

## SENATE.

SATURDAY, February 25, 1905.

The Senate met at 9.50 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

## HOUSE JOINT RESOLUTIONS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. J. Res. 6. Joint resolution relating to the badge of the Army and Navy Union; and

H. J. Res. 52. Joint resolution for the purpose of carrying out the provisions of General Orders, No. 195, War Department, June 29, 1863, and for the presentation of medals.

## POST-OFFICE, CUSTOM-HOUSE, ETC., JACKSONVILLE, FLA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending the enactment of legislation to make the \$10,000 heretofore appropriated for rent of buildings at Jacksonville, Fla., available for the construction of the post-office, custom-house, etc., at that place, and that an additional estimate of appropriation of \$5,000 be placed in the general deficiency appropriation bill for the post-office, custom-house, etc., at Jacksonville, Fla.; which was referred to the Committee on Appropriations, and ordered to be printed.

## WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the year ending December 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

## FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of Millcreek Baptist Church of Davidson County, Tenn., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Presbyterian Church of Smyrna, Tenn., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Baptist Church of Somerset, Ky., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 17941. An act to amend the act entitled "An act to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras," approved April 28, 1904;

H. R. 18641. An act to amend sections 56 and 80 of an act to provide a government for the Territory of Hawaii, approved April 30, 1900; and

H. R. 18906. An act authorizing the construction of two bridges across the Ashley River, in the counties of Charleston and Dorchester, S. C.

## GOVERNMENT OF CANAL ZONE.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16986) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KITTREDGE. I move that the Senate insist on its amendments and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. KITTREDGE, Mr. MILLARD, and Mr. MORGAN were appointed.

Mr. MORGAN. Mr. President, I must decline that appointment. In the Senate I have taken ground in favor of the House enactment of section 5 of the bill to abolish the Commission. I have said in open Senate that I would vote for that proposition whenever and wherever I had the opportunity.

The PRESIDENT pro tempore. The Senator from Alabama declines to serve on the conference committee.

Mr. KITTREDGE. I suggest that the Senator from Maryland [Mr. GORMAN] be appointed in his stead.

The PRESIDENT pro tempore. The Senator from Maryland [Mr. GORMAN] will take the place of the Senator from Alabama.

## STATEHOOD BILL.

Mr. BEVERIDGE. I believe at the adjournment last night the Senator from Alabama [Mr. MORGAN] had the floor upon the motion to insist upon the amendments of the Senate and agree to a conference with the House upon the statehood bill. I call the attention of the Senator from Alabama to it.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MORGAN. Mr. President, yesterday I took the floor upon this subject at a very embarrassing time and under very embarrassing circumstances. I had not been long on the floor until I was found to be in a sort of semiantagonism to my friends on this side of the Chamber. I had supposed that we wished to express our views upon this measure at the first opportunity in the Senate after it came here from the House. Early in the debate I had stated my views on the constitutional question which I presented yesterday, but not upon the question as to the form and shape of the bill in regard to providing laws for controlling the suffrage in the Indian Territory. I desired to express my views upon both these questions on yesterday and had a full opportunity to do so, and I do not care to employ the time of the Senate any further.

The PRESIDENT pro tempore. The Senator from Indiana moves that the Senate insist upon its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. BEVERIDGE, Mr. NELSON, and Mr. BATE were appointed.

## PETITIONS AND MEMORIALS.

Mr. CLARK of Wyoming presented a memorial of the legislature of Wyoming, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

[The State of Wyoming, office of the secretary of state.]

UNITED STATES OF AMERICA, State of Wyoming, ss:

I, Fenimore Chatterton, secretary of state of the State of Wyoming, do hereby certify that the hereunto attached is a full, true, and correct copy of senate joint memorial No. 1 of the eighth legislature of the State of Wyoming, memorializing the Congress of the United States.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1905.

[SEAL.]

F. CHATTERTON,

Secretary of State,

By C. L. HINKLE, Deputy.

Senate joint memorial No. 1, memorializing the Congress of the United States.

Whereas there has been introduced in the United States Congress a measure known as the "parcels-post bill," which provides for the consolidation of matter classified as of the third and fourth classes, and providing that the limit of weight for transmission of packages through the mails be fixed at 11 pounds and the maximum rate be 25 cents for 11 pounds, or maximum weight of packages from one post-office in the United States to any other post-office or place of delivery in the United States; and

Whereas this measure is promoted and fostered by an organization known as the "Postal Progress League," which is composed of persons largely interested in mammoth mail-order houses in different cities and who will greatly benefit by the passage of the bill to the detriment of merchants located in the various small cities and towns in the United States; and

Whereas there has been for some years past an annual deficiency in the Postal Department of the Government, and during the year of 1904 this deficiency reached the enormous sum of nearly \$9,000,000, and that if the proposed parcels-post measure be passed the deficiencies will increase year after year, which deficiencies must be paid from

other revenues of the Government and will be an additional burden upon the taxpayers of the land; and

Whereas the passage of the proposed parcels-post measure would revolutionize the existing system of retail business and allow the building up of monopolies in many branches of the mercantile business to the injury of the merchants of small cities and towns and the masses in general and will be destructive to the cities and towns in agricultural sections, and as a consequence there will be a depression in land values: Be it

*Resolved*, That the senate and house of representatives of the eighth legislature of the State of Wyoming now in session memorialize Congress to not pass the proposed parcels-post measure; and be it further

*Resolved*, That copies of these resolutions be sent to the United States Senators and Representatives in Congress from Wyoming.

Approved February 20, A. D. 1905.

Mr. CLARK of Wyoming presented a memorial of the legislature of Wyoming, relative to the enactment of legislation providing for the extermination of predatory wild animals in the States and Territories; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

[The State of Wyoming, office of the secretary of state.]

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, Fenimore Chatterton, secretary of state of the State of Wyoming, do hereby certify that the hereunto attached is a full, true, and correct copy of house joint memorial No. 4 of the eighth legislature of the State of Wyoming, the same being a resolution memorializing the Congress of the United States to pass suitable legislation for the extermination of predatory wild animals in the States and Territories.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1905.

[SEAL.]

F. CHATTERTON,

Secretary of State.

By C. L. HINKLE, Deputy.

House joint memorial No. 4, memorializing the Congress of the United States to pass suitable legislation for the extermination of predatory wild animals in the States and Territories.

*Be it resolved by the house of representatives of the State of Wyoming, the senate concurring*:

Whereas the State of Wyoming, as well as other States, have for many years made large appropriations for the payment of bounties for the destruction of predatory wild animals, which cause the death yearly of sheep, cattle, and other live stock in large numbers; and

Whereas by reason of the difference in the amount of the bounty paid in the various States and the fraud accompanying the enforcement of such laws by different States, such wild animals appear to continually increase, and the efforts of the several States have been inadequate to secure the destruction of such animals; and

Whereas it is believed that if the Congress of the United States would pass laws looking to the destruction of such animals, by the payment of bounties or otherwise, better results would follow: Now, therefore, be it

*Resolved*, That the Congress of the United States be respectfully requested to investigate this question, and if found to be within the power of the General Government that suitable laws be enacted for the destruction in the States and Territories of such predatory wild animals as are a constant menace to the live stock industry.

*Resolved*, That the honorable Senators and the Congressman from this State be requested to urge the necessity of immediate action in the premises.

The honorable secretary of state of Wyoming is hereby directed to prepare certified copies of this memorial and send the same to the said Senators and Congressman.

Approved, February 20, A. D. 1905.

Mr. CLARK of Wyoming presented a memorial of the legislature of Wyoming, praying for the enactment of legislation to prohibit interstate commerce in adulterated, misbranded, and deleterious drugs, foods, and medicines; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

[The State of Wyoming, office of the secretary of state.]

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, Fenimore Chatterton, secretary of state of the State of Wyoming, do hereby certify that the hereunto attached is a full, true, and correct copy of house joint memorial No. 3 of the eighth legislature of the State of Wyoming, the same being a resolution memorializing the Congress of the United States to enact adequate legislation relating to interstate commerce in adulterated, misbranded, and deleterious foods, drugs, and medicines.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1905.

[SEAL.]

F. CHATTERTON,

Secretary of State.

By C. L. HINKLE, Deputy.

House joint memorial No. 3, memorializing the Congress of the United States to enact adequate legislation relating to interstate commerce in adulterated, misbranded, and deleterious foods, drugs, and medicines.

*Be it resolved by the house of representatives of the State of Wyoming (the senate concurring)*, That the Congress of the United States be memorialized as follows:

Whereas the legislature of the State of Wyoming having heretofore enacted laws for the protection of the people against adulterated, misbranded, and deleterious foods, drugs, and medicines, and realizing the necessity for adequate legislation by Congress to protect the States against interstate commerce, which is beyond the control of the State in such prohibited articles: Now, therefore, be it

*Resolved*, That the Congress of the United States is hereby requested to speedily enact sufficient legislation prohibiting interstate commerce in adulterated, misbranded, and deleterious drugs, foods, and medicines, to the end that the laws of our State relative thereto may be more effective.

Approved February 20, A. D. 1905.

Mr. CLARK of Wyoming presented a memorial of the legislature of Wyoming, remonstrating against the enactment of legislation providing for the protection of wild animals, birds, and fish in the forest reserves of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

[The State of Wyoming, office of the secretary of state.]

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, Fenimore Chatterton, secretary of State of the State of Wyoming, do hereby certify that the hereunto attached is a full, true, and correct copy of house joint memorial No. 2 of the eighth legislature of the State of Wyoming, the same being a resolution memorializing the Congress of the United States to defeat the passage of H. R. 8135 in the House of Representatives, being a bill for the protection of wild animals, birds, and fish in the forest reserves of the United States.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1905.

[SEAL.]

F. CHATTERTON, Secretary of State.

By C. L. HINKLE, Deputy.

House joint memorial No. 2, memorializing the Congress of the United States to defeat the passage of H. R. 8135 in the House of Representatives, being a bill for the protection of wild animals, birds, and fish in the forest reserves of the United States.

*Be it resolved by the house of representatives of the State of Wyoming, the senate concurring*, That the Congress of the United States be memorialized as follows:

Whereas the legislature of the State of Wyoming for many years past has from time to time enacted stringent laws for the protection of game animals, birds, and fish within the limits of the State of Wyoming and appropriated large sums of money for the enforcement of said laws; and

Whereas the legislature of Wyoming has for many years past expended large sums of money for the destruction of predatory wild animals and is now making a large appropriation for the same purpose, covering the period of two years from March 31, 1905, and Government control of the forest reserves would practically render inoperative this provision of the State law and work irreparable damage to the livestock interests, which is the leading industry of the State at the present time.

Whereas the people of Wyoming have gradually become educated to the advisability of protecting our game animals, birds, and fish, and in consequence thereof the laws are being better observed and more stringently enforced from year to year; and

Whereas the protection of game animals, birds, and fish is a matter belonging properly and exclusively to the public police power of the State, and any interference on the part of the Government of the United States exercising its authority for the protection of game animals, birds, and fish within the forest reserves located in the State of Wyoming would produce a conflict of authority within said State which would be detrimental both to the State and the Government in enforcing the law; and

Whereas the legislature of the State of Wyoming is now enacting a law creating a large reserve within the limits of the Yellowstone Forest Reserve to be set aside for the protection of game animals and birds and to be designated as a breeding place therefor, and prohibiting the hunting, trapping, killing, capturing, or chasing of game animals or birds at any time within said reserve; and

Whereas the said territory embraced within said reserve is the one natural habitation within the State of Wyoming for the larger game animals, and by reason of the fact that there are but few others therein it is naturally adapted for a retreat and breeding place for such animals: Now, therefore, be it

*Resolved*, That the Congress of the United States is hereby requested to defeat the passage of H. R. 8135 and leave the matter of the protection of game animals, birds, and fish within the State of Wyoming entirely to the police authority of said State, to whom it of right belongs: Be it further

*Resolved*, That a certified copy of this memorial be sent to each of the members of the Congressional delegation from this State in Congress, with a request that they use all honorable means to defeat H. R. 8135.

Approved February 20, A. D. 1905.

Mr. SMOOT presented petitions of Wahsatch Subdivision, No. 222, Brotherhood of Locomotive Engineers, of Salt Lake City; of American Desert Subdivision, No. 55, Brotherhood of Locomotive Engineers, of Ogden, and of Soldier Summit Subdivision, No. 593, Brotherhood of Locomotive Engineers, of Helper, all in the State of Utah, praying for the enactment of legislation prohibiting the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman or one year's experience as a locomotive engineer; which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented memorials of sundry citizens of Gilchrist, Kirkhoven, St. Paul, Rolling Fork, Camp Lake, Freeborn County, and Clay County, all in the State of Minnesota, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented memorials of sundry citizens of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented memorials of the Golden West Bazaar, of San Jose; of J. Loeb, of San Jose; of the Sawyer Tanning Company, of Napa; of the John Breuner Company, of San

Francisco; of Hon. Walter A. Meads, of Alviso; of the Board of Trade of Los Gatos; of C. O. Lauritzen, of Hollister; of George Frank & Co., of San Jose; of the Chamber of Commerce of Sacramento; of E. T. Reynolds & Son, of Chico, and of Haas Brothers, of San Francisco, all in the State of California, remonstrating against the enactment of legislation granting to the Interstate Commerce Commission the arbitrary right to fix the rate of freight on railroads; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the subdivisions of the Brotherhood of Locomotive Engineers of Needles, San Francisco, San Bernardino, and Rocklin, all in the State of California, praying for the enactment of legislation prohibiting the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman or one year's experience as a locomotive engineer; which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented memorials of John Maguire, George Miller, J. J. Mulvehill, John H. Klein, J. H. Albinson, C. C. Murphy, Barrett Brothers, Frank Maguire, H. Rokmont, and Mrs. Catherine Lynch, all of Brookland, D. C., remonstrating against the proposed alteration of Bunker Hill road at the crossing of the Baltimore and Ohio Railroad; which were referred to the Committee on the District of Columbia.

Mr. CULBERSON presented memorials of sundry citizens of Taylor County, Washington County, Alto, Milans, and Houston, all in the State of Texas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PLATT of New York presented memorials of the McConnell Manufacturing Company, of Hornellsville; of Local Division No. 56, Order of Railway Conductors, of Albany; of Thomas Dickson Division, No. 171, Order of Railway Conductors, of Mechanicsville, and of Local Division No. 87, Brotherhood of Locomotive Engineers, of Troy, all in the State of New York, remonstrating against the passage of the so-called "Townsend-Esch railroad-rate bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Randolph, Kennedy, Horicon, Wellsboro, Andover, Ischua, Brookfield, Leonardsville, West Edmeston, and Orlean, all in the State of New York, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Montour Falls, Johnstown, Lake Placid, Willsboro, Plattsburg, Oneonta, Poughkeepsie, Cazenovia, East Syracuse, Harpersville, Lestershire, Morningside, Haverstraw, Lowville, Moira, Norwich, and Madison County, all in the State of New York, praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DICK presented petitions of sundry citizens of Springfield, Chillicothe, Coastline, Columbus, Air Line Junction, Galion, Van Wert, Cincinnati, Chicago Junction, Newark, Ashtabula, Cleveland, and Conneaut, all in the State of Ohio, praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman or one year's experience as a locomotive engineer; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Division No. 296, Brotherhood of Locomotive Engineers, of Lorain, Ohio, and a petition of Local Division No. 248, Brotherhood of Locomotive Engineers, of Ashtabula, Ohio, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Ohio Swine Breeders' Association, of Ottawa; of the Farmers' Institute of Greensprings; of the Retail Merchants' Board of Trade of Steubenville; of the Ohio Shippers' Association, of Columbus; of the Wholesale Lumbermen's Association of Cleveland, all in the State of Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the American Hardware Manufacturers' Association, of New York City, praying for the enactment of legislation to repeal the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented the memorial of Rev. C. C. Ryan and 5 other citizens of Spencerville, Ohio, remonstrating against the

repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of 56 citizens of Bowling Green, Ohio, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Bethesda, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Pharmaceutical Association of Akron, Ohio, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of the Chamber of Commerce of Sandusky, Ohio, praying that an appropriation be made for the improvement of Sandusky Harbor, in that State; which was referred to the Committee on Commerce.

He also presented petitions of the Musicians' Protective Associations of Cleveland, Mansfield, Youngstown, and Salem, all in the State of Ohio, praying for the enactment of legislation to increase the salaries of members of the Marine Band and to prohibit that organization from entering into competition with civilian musicians; which were referred to the Committee on Naval Affairs.

He also presented a memorial of Local Union No. 45, Cigar Makers' International Union, of Springfield, Ohio, and a memorial of Local Union No. 75, Cigar Makers' International Union, of Columbus, Ohio, remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which were ordered to lie on the table.

He also presented a petition of Walter A. Slaughter Post, No. 568, Department of Ohio, Grand Army of the Republic, of Edgerton, Ohio, praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

Mr. LONG presented a concurrent resolution of the legislature of Kansas, relative to the adjustment of accounts of mechanics and laborers under the eight-hour law; which was referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS, Office of the Secretary of State.

I, J. R. Burrow, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original enrolled house concurrent resolution No. 11 now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 21st day of February, 1905.

[SEAL.]

J. R. BURROW,

Secretary of State.

By HILL P. WILSON,

Assistant Secretary of State.

[House concurrent resolution No. 11.]

Whereas an act passed by the Congress of the United States on the 25th day of June, 1868, now embodied in section 3738 of the Revised Statutes of the United States, provides as follows:

"Sec. 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States."

And whereas subsequently thereto, to wit, on the 18th day of May, 1872, Congress passed the following as a portion of the deficiency appropriation act:

"Sec. 2. That the proper accounting officers be, and hereby are, authorized and empowered in the settlement of all accounts for the services of laborers, workmen, and mechanics, employed by or on behalf of the Government of the United States, between the 28th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated." (17 Stat. L., 134.)

And whereas since the date of said appropriation act numerous other laborers, workmen, and mechanics employed by or on behalf of the Government of the United States in this and other States have, in violation of the terms of said acts of 1868 and 1872, been employed more than eight hours a day without receiving payment for the overtime in excess of such eight hours, or if their hours of labor have been reduced to eight their wages have been reduced accordingly on the sole ground of the reduction of the hours of labor.

And whereas there is now pending before the Senate of the United States a bill providing for the adjustment and payment of accounts of all laborers and mechanics arising under the eight-hour law (Senate bill No. 1640), which provides for a revival and enforcement of the provisions of said act of 1872, which bill is now before the Committee on Education and Labor of the United States Senate: Therefore, be it

Resolved, By the legislature of the State of Kansas that our Senators be, and they are hereby, instructed, and our Representatives in Congress are hereby requested, to use all honorable means to pass said Senate bill No. 1640 as a measure of justice to laborers and mechanics to be

paid for work performed in excess of eight hours under said act of June 25, 1868.

*Resolved, further,* That a copy of this resolution be furnished to each of the Senators and Representatives in Congress from the State of Kansas, and that they are hereby earnestly requested to use their best efforts to secure the passage of said Senate bill No. 1640.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 31, 1905.

W. R. STUBBS,  
*Speaker of the House.*  
F. W. KNAPP,  
*Chief Clerk of the House.*

Passed the senate February 1, 1905.

D. J. HANNA,  
*President of the Senate.*  
W. S. KRETSINGER,  
*Secretary of the Senate.*

Mr. LONG presented a concurrent resolution of the legislature of Kansas, relative to the enlargement of the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS,  
*Office of the Secretary of State.*

I, J. R. BURROW, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original enrolled house concurrent resolution No. 2, now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 21st day of February, 1905.

[SEAL.]

J. R. BURROW,  
*Secretary of State,*  
By HILL P. WILSON,  
*Assistant Secretary of State.*

House concurrent resolution No. 2.

*Be it resolved by the legislature of the State of Kansas,* That the legislature of the State of Kansas indorse the recommendations of President Roosevelt in his message to Congress as to proposed methods of legislation dealing with corporations engaged in interstate commerce; and, further

*Resolved,* That we request our Senators and Representatives in the Congress of the United States to support such measures as shall come before Congress to give additional powers to Interstate Commerce Commission, and to enact into law said recommendations of President Roosevelt.

I hereby certify that the above concurrent resolution originated in the house, and passed that body January 12, 1905.

W. R. STUBBS,  
*Speaker of the House.*  
F. W. KNAPP,  
*Chief Clerk of the House.*

Passed the Senate January 27, 1905.

D. J. HANNA,  
*President of the Senate.*  
W. S. KRETSINGER,  
*Secretary of the Senate.*

Mr. LONG presented petitions of sundry citizens of Kansas City, Oxford, and Clyde, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. FULTON presented a joint resolution of the legislature of Oregon, relative to the advancement of Brig. Gen. Thomas M. Anderson, United States Army, to the grade of major-general on the retired list of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

House joint resolution No. 15.

Whereas Brig. Gen. Thomas M. Anderson, of the city of Portland, Oreg., enlisted as a private of volunteers in the war of the rebellion and was commissioned a major-general of volunteers in the Spanish-American war, commanding the first expedition to the Philippines; and

Whereas he took an honorable part in the four campaigns of the war of the rebellion, serving in a company as battalion-commander in the severest battles of that war; and

Whereas he subsequently commanded a division in the taking of Manila, and the battles of Santana, San Perdo, Macati, Guadalupe, Pasig, and Pateros; and

Whereas he was retired by limitation of age, January 21, 1900, as a brigadier-general in the regular establishment; and

Whereas a bill has been introduced in the Senate of the United States to authorize his advancement to the grade of major-general on the retired list of the Army: Therefore, be it

*Resolved,* By the legislature of the State of Oregon that we respectfully memorialize the Congress of the United States for the adoption of a bill authorizing the advancement of Brig. Gen. Thomas M. Anderson, United States Army, to the grade of major-general on the retired list of the Army; and be it further

*Resolved,* That copies of these resolutions be sent to the Senate and House of Representatives of the United States in Congress assembled.

WAR DEPARTMENT RECORD OF GEN. THOMAS M'ARTHUR ANDERSON.

Born in Ohio; appointed from Ohio.

Private Sixth Ohio Volunteer Infantry, April 20, 1861; served with it at Camp Dennison to May 20; appointed second lieutenant, Fifth Cavalry, May 7; served with it until October 20; present with it at engagements at Falling Water, July 2; Martinsburg, July 3; Bunkers Hill, July 15.

Commissioned captain, Twelfth United States Infantry, May 14, 1861; raised whole company in Fayette, Pickaway, and Fairfield counties, 1862; organized battalion, Twelfth Infantry; was ordered to Harpers

Ferry, Va., and was attached to Sigel's division in the defense of Bolivar Heights against Jackson's attack, May 28 and 29, 1862; operated in Shenandoah Valley until transferred to Prince's brigade, of Auger's division, Bank's corps, Army of Northern Virginia; commanded battalions of Eighth and Twelfth Infantry in the battle of Cedar Mountain August 9.

In actions at Rappahannock Station, August 20; Waterloo Bridge, August 24; Bristow Station and second Bullrun, August 30; and at Chantilly, September 1.

Transferred to First Brigade, Second Division, Fifth Corps, Army of the Potomac, as acting field officer and battalion commander.

Was in the battle of South Mountain, September 14; Antietam, September 17; Snickers Gap, October, and Fredericksburg, December 12-15, 1862; Chancellorsville, May 1 and 3, 1863 (wounded).

On board organizing signal corps; assistant of provost marshal-general in organizing invalid corps.

Assigned to command of Twelfth Infantry, April, 1864; in battle of Wilderness, May 5 to 7; brevetted major; Laurel Hill, May 6, horse killed under him; Spotsylvania, May 12, severely wounded; brevetted lieutenant-colonel.

Commissary of musters, Department of the Lakes, from October, 1864, to June 30, 1865; organized regiments from Confederate prisoners; mustered out 24,000 Andersonville prisoners at Camp Chase, April and May, 1865; assumed command Twelfth Infantry, July 4.

On regimental and reconstruction duty to 1869. Promoted major, Twenty-first Infantry, May 26, 1868; transferred to Tenth Infantry, serving in Texas, 1869 to 1878.

In Indian campaigns on Rio Grande and Staked Plains; attorney for Government in Mexican claims, 1873.

In command of recruiting depot, Columbus, Ohio, 1878 to 1880.

Lieutenant-colonel Ninth Infantry, March 20, 1879; commanding infantry brigade in Cheyenne outbreak in 1884; commanded regiment in anti-Chinese riots, 1875.

Colonel Fourteenth Infantry, September 6, 1886; commanding regiment in Washington and Alaska until May, 1898; in temporary command of Department of Columbia, 1897; in command of subdistrict of Alaska, 1898.

Brigadier-general of volunteers, May 4, 1898; commanding first expedition to the Philippines; commanded land division in attack on Manila, August 13, 1898; major-general of volunteers at that date; commanding first division Eighth Army Corps in Philippine insurrection in Santa Ana, Pasay, San Pedro, Macati, Guadalupe Church, Pasig, and Pateros from February 5 to March 17, 1899; brigadier-general United States Army, March 31; commanding Department of Lakes from May 3, 1899, to January 21, 1900, when retired.

Adopted by house January 31, 1905.

A. L. MILLS,  
*Speaker.*  
W. LAIR THOMPSON,  
*Chief Clerk.*

Concurred in by senate January 31, 1905.

W. KUYKENDALL,  
*President.*  
S. L. MOORHEAD,  
*Chief Clerk.*

Mr. FULTON presented memorials of sundry citizens of Lane County, Oreg., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. MILLARD presented memorials of sundry citizens of Aurora, Thayer, Shelton, Washington County, Tekamah, Burt, Dodge County, Talmage, Furnas County, Blair, and Comstock, all in the State of Nebraska, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BAILEY presented memorials of sundry citizens of Jack, Wise, and Montague counties, Coleman, Houston, Cleburne, Keene, Valley View, and Santa Anna, all in the State of Texas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. SPOONER presented a petition of Local Lodge No. 128, Brotherhood of Railroad Trainmen, of Milwaukee, Wis., praying for the passage of the employers' liability bill; which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Neenah, Sturgeon Bay, Portage County, Humbird, Bruce, Ladysmith, Gibraltar, Arpin, Clark County, Ashland, Richland, Baraboo, Tomah, Langlade County, New London, Monroe, Janesville, and Wood County, all in the State of Wisconsin, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. MCCOMAS presented sundry papers to accompany the bill (S. 872) for the relief of Martha J. Wroe; which were referred to the Committee on Claims.

He also presented a petition of the Board of Trade of Baltimore, Md., praying for the enactment of legislation providing for the destruction of ocean derelicts on the Atlantic ocean; which was referred to the Committee on Commerce.

He also presented a petition of sundry manufacturing druggists and chemists of Baltimore, Md., praying for the enactment

of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented the petition of John Abel and 50 other citizens of Cecil County, Md., praying for the adoption of a parcels-post and post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Monumental Subdivision, No. 52, Brotherhood of Locomotive Engineers, of Baltimore, Md., praying for the enactment of legislation providing certain requirements for locomotive engineers and firemen; which was referred to the Committee on Interstate Commerce.

Mr. CLAY presented petitions of Local Subdivisions Nos. 368, 648, 646, 628, 649, and 409, of Atlanta, Waycross, Savannah, Cedartown, Brunswick, and Columbus, all of the Brotherhood of Locomotive Engineers, in the State of Georgia, praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman or one year's experience as a locomotive engineer; which were referred to the Committee on Interstate Commerce.

Mr. ANKENY presented memorials of sundry citizens of Arlington, Pomeroy, Chinook, North Yakima, Spokane, Tacoma, and Seattle, all in the State of Washington, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of King County, Wash., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Tacoma Subdivision, No. 238, Locomotive Engineers, of Tacoma, Wash., and a petition of Decapod Subdivision, No. 402, Brotherhood of Locomotive Engineers, of Ellensburg, Wash., praying for the enactment of legislation providing certain requirements for locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Franklin County, Wash., praying for the enactment of legislation for the relief of claimants for desert lands in Franklin County, Wash., under the desert-land entries made after May 1 and prior to June 24, 1903; which was referred to the Committee on Public Lands.

Mr. WARREN presented a petition of the Shakespeare Club, of Rawlins, Wyo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the legislature of Wyoming, relative to the enactment of legislation regulating interstate traffic in adulterated, misbranded, and deleterious foods, drugs, and medicines; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the legislature of Wyoming, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the legislature of Wyoming, remonstrating against the enactment of legislation for the protection of wild animals, birds, and fish in the forest reserves of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the legislature of Wyoming, relative to the enactment of legislation providing for the extermination of predatory wild animals in the States and Territories; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TELLER presented a memorial of the Retail Merchants' Association of Denver, Colo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Colorado State Woman's Christian Temperance Union, praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Business Men's Association of Pueblo, Colo., praying for the enactment of legislation making a 4 per cent differential in favor of Pacific coast builders of naval vessels; which was referred to the Committee on Naval Affairs.

He also presented petitions of Local Subdivisions Nos. 546, 451, 488, 430, 515, and 505, of Canyon, Denver, Grand Junction, Trinidad, Basalt, and La Junta, all of the Brotherhood of Locomotive Engineers, in the State of Colorado, praying for the

enactment of legislation prohibiting the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman or one year's experience as a locomotive engineer; which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Grand Junction, Telluride, Delta, Cripple Creek, Atwood, Hygiene, and La Veta, all in the State of Colorado, remonstrating against the enactment of legislation requiring the closing of certain places of business in the District of Columbia on Sunday; which were referred to the Committee on the District of Columbia.

#### OPIUM IN CHINA.

Mr. CULLOM. I ask for a reprint, with certain additional papers, of Senate Document No. 135, Fifty-eighth Congress, third session, being a report of a hearing at the American State Department on petitions to the President to use his good offices for the release of China from treaty compulsion to tolerate the opium traffic.

The PRESIDENT pro tempore. The Senator from Illinois asks for a reprint of a Senate document. Is there objection? The Chair hears none, and it will be so ordered.

The PRESIDENT pro tempore presented a petition of the legislature of Kansas, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. GAMBLE moved that the Committee on Claims be discharged from the further consideration of the amendment submitted by himself on the 4th instant relative to the payment of \$22.76 to Edward G. Edgerton, postmaster at Yankton, S. Dak., intended to be proposed to the general deficiency appropriation bill, and asked that it be referred to the Committee on Appropriations; which was agreed to.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 18688) authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service, reported it without amendment.

Mr. PATTERSON, from the Committee on Territories, to whom was referred the bill (H. R. 13356) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States and defining the qualifications of electors in said Territory, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 12674) granting a pension to Sarah Carden, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 7167) to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 11802) for the relief of Adolph Spiegel, as the successor of the firm of Spiegel, Finkelstein & Co., reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 14752) to change the name of the East Washington Heights Traction Railroad Company, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15322) correcting the record of Nelson S. Bowdish; and

A bill (H. R. 3535) to grant an honorable discharge to William A. Treadwell.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 3916) for the relief of James S. Harber; and

A bill (H. R. 815) to correct the military record of James Houselman.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 675) to grant an honorable discharge to William A. Treadwell, to move that it be indefinitely postponed, because a House bill in its place has been reported.

The motion was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse re-

ports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 253) to remit the sentence of general court-martial against Alvin C. Schum and grant him an honorable discharge; and

A bill (S. 1702) to correct the military record of James H. Shannon.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate \$25,000 to enable the President to detail any vessel or vessels of the Revenue-Cutter Service to remove or destroy derelicts in the course of vessels at sea, etc., intended to be proposed to the river and harbor appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

#### REPORT ON BEET-SUGAR INDUSTRY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the joint resolution (S. R. 111) providing for the printing of a report on the progress of the beet-sugar industry in the United States in 1904, introduced by Mr. DR. LINGHAM on the 18th instant, reported as a substitute therefor a concurrent resolution; which was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 copies of the Report on the Progress of the Beet-Sugar Industry in the United States in 1904; 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 8,000 copies for the use of the Department of Agriculture.*

#### BILLS INTRODUCED.

Mr. BAILEY (by request) introduced a bill (S. 7264) for the relief of the heirs of A. W. W. Wortham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCOMAS introduced a bill (S. 7265) for the relief of Perry Rumler; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7266) for the relief of the Hamis Distilling Company; which was read twice by its title, and referred to the Committee on Finance.

Mr. CULLOM introduced a bill (S. 7267) for the relief of William B. Payne; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 7268) granting an increase of pension to William J. Grow; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7269) granting an increase of pension to Lide S. Leonard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7270) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. ANKENY introduced a bill (S. 7271) for the relief of claimants to desert lands in Franklin County, State of Washington, under desert-land entries made after May 1 and prior to June 24, 1903; which was read twice by its title, and referred to the Committee on Public Lands.

#### AMENDMENTS TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. KEAN submitted an amendment relative to the examination or survey of part of the westerly side of Arthur Kill, or Staten Island Sound, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to increase the appropriation for continuing the improvement of the Missouri River from \$50,000 to \$100,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BALL submitted an amendment proposing to appropriate \$25,000 for the maintenance of the channel above the Third Street Bridge at Wilmington, Del., etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$60,000 for improving Salem Harbor, Mass., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CULBERSON submitted an amendment relative to the obtaining of a channel 300 feet wide with a uniform depth of 30 feet from the end of Port Bolivar pier, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. STONE submitted an amendment proposing to appropriate \$200,000 for improving the harbor at Kansas City, Mo., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$500,000 for improving Kansas River, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$250,000 for the general improvement of the Missouri River, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTUS submitted an amendment proposing to appropriate \$200,000 for the completion of Lock and Dam No. 4, Coosa River, Georgia and Alabama, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$650,000 for the Jamestown Tercentennial Exposition, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FULTON submitted an amendment proposing to increase the appropriation for continuing the improvement of the mouth of the Columbia River, Oregon and Washington, from \$300,000 to \$450,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$750,000 for the purchase from the Portland General Electric Company of the canal and locks on Willamette Falls, Willamette, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BEVERIDGE submitted an amendment intended to be proposed by him authorizing the President to transfer, by an order in writing, for the purposes of economy and better efficiency, the whole or any part of any bureau, office, division, or other branch of the public service from one Executive Department to another Executive Department, etc.; which was referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments, and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to increase the appropriation for the improvement of the Anahauc channel, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Galveston channel, Texas, from \$150,000 to \$200,000, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BARD submitted an amendment relative to the erection of a Federal building at Los Angeles, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HALE submitted an amendment providing that no part of the money appropriated for the construction of a post-office, custom-house, and court-house at Cleveland, Ohio, shall be used in the construction of the exterior of the outer walls of material other than granite, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to allow surveyors employed in surveying the public lands of the country thirty days' annual leave with pay, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### PHILIPPINE TARIFF LAWS.

Mr. DIETRICH submitted an amendment intended to be proposed by him to the bill (H. R. 18965) to revise and amend the tariff laws of the Philippine Islands, and for other purposes; which was ordered to lie on the table, and be printed.

## MUSSEL SHOALS CANAL, TENNESSEE RIVER.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved by the Senate,* That a select committee of three Senators be appointed by the President pro tempore of the Senate, from States intersected by the Tennessee River, to take into consideration the report of the Secretary of War on that subject made to the Senate at this session of Congress, and that said committee shall have leave to sit in the recess of the Senate at such places in the vicinity of said river as they may think necessary.

Said committee shall have power to send for persons and papers and to examine witnesses on oath, and may appoint a secretary and employ a stenographer.

And the lawful expenses of such committee and its employees and of witnesses shall be paid, on the certificate of the chairman thereof, out of the contingent fund of the Senate.

## IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore (at 10 o'clock a. m.). The hour to which the Senate in the impeachment trial took a recess has been reached, and the Senator from Connecticut [Mr. PLATT] will take the chair.

Mr. PLATT of Connecticut assumed the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senate sitting in the impeachment trial of Charles Swayne, judge in and for the northern district of Florida, at 5 o'clock last evening took a recess until this hour, and now resumes its session.

The managers on the part of the House of Representatives (with the exception of Mr. CLAYTON) appeared and were conducted to the seats assigned them.

The respondent, Judge Charles Swayne, accompanied by his counsel, Mr. Higgins and Mr. Thurston, entered the Chamber and took the seats assigned them.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison	Daniel	Hansbrough	Millard
Ankeny	Dick	Heyburn	Morgan
Bacon	Dolliver	Kean	Nelson
Bailey	Foraker	Kittredge	Overman
Ball	Foster, La.	Knox	Perkins
Bard	Frye	Latimer	Pettus
Bate	Fulton	Lodge	Platt, Conn.
Berry	Gallinger	Long	Platt, N. Y.
Beveridge	Gamble	McEnery	Smoot
Burrows	Gibson	McLaurin	Teller
Clark, Wyo.	Gorman	Mallory	Warren
Culberson	Hale	Martin	

The PRESIDING OFFICER. On the call of the Senate 47 Senators have answered to their names. A quorum of the Senate is present. The counsel for the respondent will proceed.

Mr. THURSTON. Mr. President, I stand here to raise the last voice that can ever be heard this side the judgment seat of God in behalf of the personal honor and judicial integrity of this respondent, Charles Swayne. I realize fully the responsibilities of my position, and I shall endeavor to meet them as best I can. I also realize as deeply as any other man can how important it is not only to my client but to every American man, woman, and child that justice shall be done and true deliverance made.

I would not dare in this august tribunal to suggest, as I might in some other court, that any of the charges in this case are trivial, or that any of the evidence presented is unworthy of serious consideration, for it must be accepted that anything presented or permitted here is worthy to come in.

If in my ardor for my client I may say some things that were better left unsaid, I ask in advance the indulgence of the Senate, and if I may leave unsaid some things that I should have said, or if I fail to present this respondent's case as fully and completely as some other abler advocate might have done, I ask the forgiveness of himself and of those who love him.

If in this discussion I animadvert upon some of those who have followed and persecuted this respondent, I shall not thereby refer to the honorable managers of the House of Representatives, whose conduct of this trial has been just and fair, nor shall I mean those who in the daylight or in the Senate have borne testimony against him; but I shall refer to those alone whose venomous shafts have been hurled from out the darkness and who like coyotes have barked at his heels through all the long night of his trial and his travail.

My position in the order of argument has been such that at the most I have had but a few moments in which to attempt

to arrange in my own mind a consecutive order of presentation. I have been unable to bring into the Senate a carefully prepared address, replete with literary and oratorical gems, to charm the Senate and astonish posterity, but in my humble way I shall speak in behalf of the respondent in language as simple as my belief in his innocence is sincere.

At last Charles Swayne has escaped from the pursuing fury of slander, vindictiveness, and calumny, and is safe in the Senate of the United States, under the shield of the law. At this bar that wicked jade yclept Common Rumor can not be heard, and through these sacred portals vindictiveness and hate can not follow or malice enter in. Here he is to be tried by the evidence and judged by the law, and those of us who have faith in his honor and integrity believe that for his traducers the clock of fate is already striking 12 and the hour of his deliverance is near at hand.

This man stands here with more than liberty or life at stake. He is already on the sunset side of the mountain of life, up whose rugged steep he has so gallantly and persistently climbed. There is before him, at the best, but a little while to wait in the gathering twilight until he hears the summons from the Great Beyond. Whether he shall pass his few remaining days in honor or disgrace means much to him and to his friends.

Mr. President, I have no further observations to make on this case except to proceed in a plain and simple way to a discussion of the law and the evidence. First, I feel compelled to ask your attention while in a dry and uninteresting manner I present certain views of the law that have been raised in this case upon the pleas to the jurisdiction as to the first seven articles of the articles of impeachment.

In the printed brief originally filed in behalf of the respondent a demonstration, based upon the authorities, was made, to the effect that no clear light is to be derived as to the meaning of the phrase "other high crimes and misdemeanors," so far as that phrase relates to the impeachment of English and American judges, except from the English and American judicial impeachment cases in which it has been applied to that subject. Instead of attempting to meet that reasonable and obvious contention upon its merits, the managers have evaded it by propounding a series of generalities, based upon principles drawn, in the main, from political impeachments which throw no real light upon the subject. In the course of that evasion the following remarkable statement has been made:

Said the managers in their brief:

For the first time in impeachment trials in this or any other country the claim is made that a judge can be impeached only for acts done in his official capacity.

The fact that that statement does not fully relate the history of impeachment cases will appear by consideration of those cases. After the impeachments for bribery, pure and simple, of English judges are put aside but two judicial impeachments remain in the entire history of the English people—that is, the impeachment of judges.

Judges, like all others, can be impeached for treason not committed upon the bench or in judicial affairs. They can be impeached for bribery by the strict terms of the Constitution, bribery committed anywhere, without regard to whether they were sitting upon the bench at the time. But as to other causes of impeachment I challenge the honorable managers to show me any case in history, English or American, where a judge has been impeached for any other crime or high misdemeanor except one alleged to have been committed in connection with his exercise of judicial authority. In saying that, I do not refer to some impeachment cases that have happened in States and under State constitutions, for many of the constitutions of the several States have provisions largely at variance with those of the Constitution of the United States upon this subject.

But four judicial impeachments have taken place under the Constitution of the United States. It was admitted by the House of Commons in England and by the House of Representatives in the United States by the form of the articles they presented in these judicial impeachment cases that, excepting treason or bribery, neither an English nor a Federal judge could be impeached except for judicial misconduct occurring in the actual administration of justice in connection with his court, either between private individuals or between the Government and the citizen.

The statement of the honorable managers in their brief—

For the first time in impeachment trials in this or any other country the claim is made that a judge can be impeached only for acts done in his official capacity—

is contradicted by the judicial history of every case of impeachment of a judge in Great Britain and the United States.

Mr. Manager OLMSTED was greatly mistaken when he said in his argument:

One year later, the Senate having convicted John Pickering, Federal judge in a New Hampshire district, upon a charge of drunkenness—

The article exhibited against John Pickering charged him with drunkenness upon the bench, and was limited to that charge, for the framers of that impeachment well knew that the drunkenness of the judge was no ground for impeachment under the Constitution of the United States unless he carried that drunkenness upon the bench.

The articles against Pickering read:

Being then judge of the district court in and for the district of New Hampshire, did appear on the bench of the said court for the purpose of administering justice in a state of total intoxication, produced by the free and intemperate use of inebriating liquors, and did then and there frequently in a most profane and indecent manner—

That is, on the bench, while administering justice—

Invoke the name of the Supreme Being, etc.

It was perfectly understood by every constitutional lawyer then, as it should be understood now, that the personal misconduct of an English judge off the bench has never furnished the ground for impeachment, and for the well-understood reason that under the English constitution, as it has been called, they provided for two methods of removing judges from the bench—one by impeachment for high crimes and misdemeanors and the other upon address to the sovereign by both houses of Parliament.

When we came to frame our Constitution we adopted from the English constitution the term "treason, bribery, and other high crimes and misdemeanors." The question was mooted in that convention as to whether or not we should also embody in our Constitution the English provision for the removal of Federal judges by address of the two Houses of Congress to the President. Understanding perfectly well, as the debates will show, that impeachment would only lie for a crime or offense committed in connection with the judicial office and the administration of justice, they rejected the proposed clause providing for removal by address. The framers of our Constitution did this because they were tenacious of the stability of the tenure of office of our Federal judges, and were fearful that if they enlarged the impeachment provision some of the States, by reason of local prejudice, might proceed criminally against them, and upon conviction of crime base articles of impeachment thereon.

Mr. President, I state here and now that the contention made by one of the honorable managers that a judge can be impeached under the Constitution of the United States for a crime committed as an individual against a State law has no foundation in any case that has ever been known of on the earth, was not thought of as possible by the framers of our Constitution, and is not the law to-day. It would leave a Federal judge at the mercy of a local condition, inimical as it might be to the Federal Constitution.

The case of Humphreys has been cited as a case where a Federal judge was impeached for other than judicial misconduct. Yes, Humphreys was impeached for treason. Any judge can be impeached for treason or for bribery, no matter where or how committed; but the only charge in his impeachment other than treason was the charge of judicial misconduct as the judge of the court, in the court, and acting in the administration of justice.

Mr. President, that the framers of our Constitution well knew the limitations they were imposing upon the right of impeachment is further attested by the fact that in the original draft of that great document the language was "for treason, bribery, or maladministration," and the word "maladministration" has crept into some of the constitutions of our several States. Upon the consideration of that question on the floor of the convention it was moved to strike out "maladministration" and insert "other high crimes and misdemeanors," and for the very reason that the term "maladministration" was a loose term that might mean, under the decisions of the Senate in the future, much or little; that it might cover impeachments at one period of time by one party in power that it would not cover at another period of time with another party in power. They struck it out because it was too large a term, too loose a term, and they inserted in its place those definite words, "high crimes and misdemeanors," taken from the English constitution with parliamentary construction already attached.

We took that provision from the English constitution and with it we took the interpretation that was placed upon it by the lex parliamenti, the law of Parliament, established by the adjudications in the great tribunal. That provision meant then what it meant in England at the time. Mr. President, that

provision meant then what it has meant ever since. It meant then what it always must mean. From the debates in that convention it does appear that those words were adopted with that construction upon them because it was claimed that it would be unwise to permit even the Congress of the United States, by ever making something a crime that was not then a crime, to enlarge the operation of that impeachment provision of the Constitution, or to repeal some of those things which then constituted crimes and thereby prevent the impeachment of those who committed them.

Sir, that provision of the Constitution was embodied in that great instrument with a meaning that can never be changed by the Congress of the United States. It was embodied there with a meaning which will remain the same to the end of time. It furnishes the limitation with which the power of Congress can be exercised in impeachment cases.

I insist that for the first time in this case is it even suggested by constitutional lawyers that that term permits the impeachment of a judge simply because he has been tried and convicted in a court of a State for a crime against the statutes of a State, or because in his private life he has been impure or improvident, or because of any other shortcomings or failures exhibited in his career except those which relate to the administration of justice in the court over which he presides.

Mr. President, before proceeding to discuss the articles and the evidence, I call your attention to the fact that this is a criminal proceeding, and the respondent is charged with a crime. That question was settled by the Senate some days since upon the vote taken on the question of the admissibility of evidence. It is certain that this proposition is true, because the last portion of section 2 of article 3 of the Constitution of the United States provides that "the trial of all crimes, except in cases of impeachment, shall be by jury," and thereby the framers of that great instrument declared that an offense to be impeachable must be a crime, or, what is equivalent to it, a high misdemeanor.

Mr. President, this respondent, being on trial charged with crime, is entitled to every reasonable doubt that may arise upon the evidence in the case. I do not come here to claim that he needs the application of this rule, for I insist that the evidence in this case shows that he is guiltless beyond a reasonable doubt; but I invoke the attention of the Senate to that beneficial rule of law now because it is the outgrowth of the spirit of liberty and justice so strong in the Anglo-Saxon race. It is the common safeguard and heritage of every American citizen. It is the shield of the accused and is a bulwark for the protection of the liberty and life of every man, woman, and child in the land.

Now, Mr. President, in taking up the various articles of the impeachment, I propose, first, that as to the first seven articles the charges are stale and should not be considered by the Senate. It has been the policy of the Congress of the United States to provide by statute, and it has been the policy of every legislature of every State in the Union to provide by statute, that a definite limitation shall be fixed upon the prosecution of a man for crime. Under the statutes of the United States, if I am not mistaken, with the single exception of a prosecution for treason or murder, no man can be brought to the bar of justice unless the indictment be returned against him within three years from the date of the commission of the offense. That is a wise and beneficent policy of the law, safeguarding the rights of men and amply providing for the interests of all the people.

I do not stand here to insist that as a matter of law the limitation statutes of the United States apply in an impeachment case any more than I would insist that the statutes of limitations of the several States in regard to civil actions apply in courts of equity as against the prosecution of equitable claims. But what I do insist is, that the same rule should be applied here that the chancellor applies on a bill in equity. In the chancery courts of our country it has been universally held that the court will not consider a claim that is stale, and by stale they mean one that has laid so long without any attempt to enforce it that it ought not to be enforced, and in almost every instance the equity courts have declared that a claim was stale in equity when if it had been a claim at law the statutes of limitation had run against it. Almost without exception the courts of equity have thrown out from their portals every claim of an equitable character that has not been presented there within the time prescribed by the wisdom of the people within which men should prosecute their actions at law.

So I say now that it is contrary to the policy of this Government, as declared by its legislation for years, that a man shall be tried even in a high court of impeachment for crime unless the impeachment, as must an indictment in the courts,

be brought against him within the limitations fixed for the prosecution of crimes by the statutes of the United States.

I say it is wrong to this defendant, it is wrong to the people of this country, that these old stale charges should be here revived, that the dead past may not be permitted to hold its buried dead, and it is not the policy of our great civilization to resurrect from buried tombs old charges with which to persecute and prosecute our citizens.

Mr. Manager OLMSTED. Mr. President, may I, through you, venture to interrupt the learned counsel to call—

Mr. THURSTON. Mr. President, I prefer that I may not be interrupted in this discussion.

Mr. Manager OLMSTED. I shall not interrupt except to say—

Mr. THURSTON. If the learned managers have any reply to make or any contrary views to present, they will have ample time in the opportunity that is given them in the close.

Mr. Manager OLMSTED. I knew the gentleman did not wish to make a misstatement, and I merely wished to draw his attention to the fact that the offense charged in the third article occurred within two years from this present moment.

Mr. THURSTON. Mr. President, if I have not read the offense charged in the third article correctly (and I take back what I said about not wishing to be interrupted), I am glad to have the manager call my attention to the charge. He is right as to that one charge, and I limit the application of my argument to all of the first seven articles except the third. As to the first charge, it is alleged that he took his fees for mileage and attendance in the year 1897, more than seven years ago.

In the second charge, in January, 1901, more than four years ago, in the celebrated car case, it is alleged that this man should be removed from his office because almost twelve years ago he committed the impropriety of riding a bit about our country in a private car without making compensation. Mr. President, there are public reasons why the mantle of the law of forgetfulness should be generally drawn in the United States against old transactions of that kind.

In the first three articles this respondent is charged with petit larceny in stealing from the United States three certain sums of money that he was not entitled to under the law by use of false certificates. I meet this charge, in the first place, by saying this man's actions were in the light of day. He placed them himself upon the records of the court over his own signature; he furnished the officers of this Government every proof needed to convict him of crime, if crime there were; he exhibited to the marshal of his district, to the judge of that district, who passed upon the marshal's accounts, to the Department of Justice, and to the Comptroller of the Treasury his attested declaration that he robbed the United States of these petty sums of money! I ask you to tell me, as thinking men, whether such action is compatible with the idea that in filing these accounts he even for a moment thought he was doing anything wrong? Do such acts as these show him as having a malicious and wicked heart?

Mr. President, that fact alone is proof positive that this judge of the court in certifying as he did must have believed that he was entitled to the money. Thieves do not steal in the daylight when people are gathered about; they do not put the proof of their crime upon the records of the court or in the archives of the Government; they do not leave it open to the officers of the law to prosecute them upon their own admission. In that action the man's soul, as proven by the open way in which he certified, was as pure as pure could be.

Whatever you may say about the construction of this law, whether you determine he was right or wrong in his construction of the law, you must acquit him of any deliberate or intentional purpose to commit a crime or to defraud the Treasury of the United States. But, Mr. President, I go a little further. I might demur to the evidence as to these charges on the expense account. The managers have proven that on three different occasions this man certified to an expense account at the rate of \$10 per day; they have proven that on those occasions he could not have expended more than a certain sum in riding to and from the different places; they have shown that he actually paid certain sums of money for board and lodging; but they have not attempted to prove that he may not have expended every dollar of this \$10 per day in some legitimate and proper manner as his expenses.

Who is to judge of what are expenses under this law of Congress? Does the circuit judge of the United States, who goes to one of our cities to hold the circuit court of appeals thereof, and takes his wife or other members of his family with him, violate this law if he charges as a part of his expenses the keep of his wife or other members of his family? Does this law intend to

drive a man away from the comforts of his home and the companionship of those who are dear to him? If this man, being a chronic invalid—if any judge being a chronic invalid—holding court away from home, is compelled to call in a physician day by day or to run bills at a drug store, is that a legitimate expense? Who says "nay?" There are many kinds of expenses that this man might have incurred; and yet I do not care to stand upon this perhaps technical objection that the charges are not proven, for, Mr. President, under any construction of this law that can be placed upon it, every Federal judge in the United States is entitled to an allowance not exceeding \$10 a day for every day in the year during which he holds court outside of his own district.

Not \$10 per day at each place he goes to, but in the narrowest limitation of the provision he is certainly entitled to \$10 per day for the fiscal year, grouping together every place where he has held court; and if he goes to one place for three or four days and incurs expenses greatly exceeding \$10 per day, under that statute he is entitled to make that up by charging more than he expends at the next place he goes to, if at the end of the fiscal year he has expended at all his places of attending court no more than is provided under the statute. You can place no other construction upon that law. Where is the proof? What witness swears that this man, holding court for probably two hundred days in the year at New Orleans, at Atlanta, and at other places in the South, received more money for expenses than he had paid out? Where is the proof that at the end of any one fiscal year he has certified to and drawn from the Government of the United States more than \$10 a day for the days he had been absent in holding court outside of his district?

But, Mr. President, Congress, I think, in unmistakable terms has placed its own construction upon this section of the statute. Under section 596 of the Revised Statutes of the United States it was provided that district judges holding court outside their districts should not receive any compensation for their expenses other than their salaries. That provision remained in force down to 1881, when it was repealed. In the repealing act there was no specific provision authorizing the payment of expenses to these district judges, but by the ruling of the Treasury Department it was decided that after the repealing act of 1881 judges were entitled to receive their actual expenses, moneys expended, and under that ruling regulations were provided whereby they could get their expenses upon furnishing certificates and receipts of the actual amounts expended.

Mr. President, if it had remained the purpose of the Congress of the United States to limit those expenses to actual moneys expended there was no need at any time thereafter to change the law or to enact any affirmative legislation. If Congress intended to limit the compensation for expenses of travel and attendance to sums actually paid out there was no need of affirmative and new legislation; and yet in 1896 a law was passed specifically giving to the district judges of the United States a sum "not exceeding \$10 a day for their reasonable expenses for travel and attendance while holding court."

This word "attendance" for the first time crept into statutes of this sort under the act of 1891, creating the circuit court of appeals; and the provision of 1896, relating to district judges, was an exact copy of the act of 1891. And for the first time in any law that ever provided for expenses of judicial officers, or civil officers, or agents, or special commissioners, that word "attendance" was put into the statute. What does it mean? I insist it means what this judge thought it meant, what I believe many of the judges of the United States thought it meant, what I believe many of the Senators on this floor still think it means, and what I do believe it means—that is, that Congress intended that for travel and attendance a man should be entitled to such sum as he himself thought was right and just under the circumstances of each case, provided it did not exceed \$10 per day.

There was one reason why this law of 1896 was passed, and that was because an examination of the Treasury accounts showed that all over the country, under a law which did not limit the amount of expenses, our district judges holding courts outside of their districts greatly exceeded, on the average, \$10 per day, and the statute was passed to limit the expenditure to \$10 per day—not to limit it to that sum at any one place, or even to the actual sum of money paid out.

Why, sirs, it was intended by this august tribunal when it enacted this legislation that some discretion should be left to a judge of the United States away from home; that it should be left for him to determine as to whether or not he should be extravagant in his living; it was left for him to determine whether or not he should take his wife with him; it was left for him to determine the character of dinners he should eat or

the wine, if any, he should drink, or at least the apollinaris water he might use.

Mr. President, that statute is certainly ambiguous in its meaning, and must be so held. If it be ambiguous in its meaning, where is a lawyer on all God's footstool who will insist that a man who construes it one way or the other way is guilty of a wicked or malicious purpose in the doing of it? Why do I say it is "ambiguous?" This Senate had it under consideration at one time and acted with respect thereto. I call the attention of the Senate to the record made by this body April 24, 1896, page 4363 of the CONGRESSIONAL RECORD, volume 28, part 5. It is found on page 547 of the record in this case.

Mr. Allen, who was then my colleague on this floor, rose and said:

Mr. President, I desire to call the attention of the Senator from Iowa to a fact which came to my knowledge the other day, and it is to the effect that under this law, or laws similar to this which have been passed, where Congress allows compensation to judges who hold courts outside of their particular districts, and especially the United States appellate judges, that in all instances they certify to \$10 a day, regardless of the actual expenses to which they are put.

Senator Allen in that public way advised the Senate and the country while it had before it and was considering this legislation that it had come to his knowledge as a fact, not as a rumor, that the judges of the circuit courts of appeal under the act of 1891 were certifying to \$10 expense accounts every day, whether their expenses were so much or not. If the Congress of the United States desired to limit these expenses to moneys actually paid out, it was put upon notice then and there that it must enact some statute different from the one which applied to the circuit judges of the United States. They were advised then and there that if this law did not mean what we say it did it was for Congress to add another qualifying provision to the proposed statute that would make the meaning and intention of Congress clear.

Mr. Allen further said:

I have information from a source that I am not permitted to disclose that in many instances where the legitimate expenses and hotel bills are not to exceed three or four dollars a day, where a judge has gone to a city and stayed there perhaps for a month or two months—

In cases where the judge has gone to a place where the court is to be held, and has no expense except the mere expense of hotel bills, remaining there for a month, or, possibly, all winter in some cases, or for several months at least, uniformly he certifies to \$10 a day, which is the full maximum allowed by the law.

That was not a statement that could be disregarded by this Senate if it had another policy to pursue. It was a statement of an actual existing condition of things, made under the oath and upon the honor of a Senator of the United States, and I say—and no manager on the part of the House has the right to challenge the statement—that when the law of 1896 was up for consideration at that very time the circuit judges of the United States in construing a similar law were charging and receiving \$10 a day, the maximum, when their expenses were nowhere equivalent to that amount.

Mr. Gray asked Senator Allen:

Do I understand the Senator to say that all the judges certify to \$10 a day?

Mr. ALLEN. Not all. I do not say all. But I say that there are judges who do it—district judges holding, for instance, courts of appeal. Some of them do certify uniformly to \$10 a day and take \$10 a day out of the Government in cases where their legitimate expenses are not, and in the nature of things can not be, to exceed three or four dollars a day.

Mr. President, I will not read all of this record, but I have read enough to show you that if Congress proposed to limit these expenditures to moneys actually paid out it was advised then and there from the floor of this Senate by a Senator of the United States that they must add some more specific provision to the one which they were proposing to enact. What followed? Mr. Allen then said:

I suggest to the Senator from Iowa the propriety of inserting, after the word "judges," in line 21, on page 111, the words:

"Which said certificate shall in all cases contain a statement that the expenses therein certified have actually been incurred or paid."

And the Senator from Iowa [Mr. ALLISON] acquiesced in that request; and that amendment went on the bill. What happened? The House, in which distinguished body these great managers form so representative a part, disagreed to that amendment. The Senate undertook to limit the payment of expenses to expenses actually incurred. The House refused to agree to that amendment and sent the bill to conference. What happened there? On the consideration of that amendment the conferees of both Houses reported, as follows:

Amendment No. 177: That the House recede from its disagreement to the amendment of the Senate No. 177—

That was this amendment—

and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

That is, the first thing they did was to strike it out, thereby declaring through both Houses of Congress, already informed of the construction placed upon this law and of the practice of the judges of our courts thereunder, that it was not its policy to limit the judges to moneys actually paid out. In lieu of that limiting clause, they inserted:

"and such payments—

That means the \$10 payments certified by the judges without bills of particulars—

shall be allowed the marshal in the settlement of his accounts with the United States;" and the Senate agree to the same.

Thereby they not only approved the practices of these judges and their construction of the law, as known to them and declared in this body to them, but they went still further and put on an amendment making it compulsory on the judge to approve the marshal's accounts where he paid this \$10 a day, knowing, as he must, that it had not been expended.

Mr. President, there was also a consideration of this matter and a discussion about it in the House of Representatives, which may be found in the record of this case, commencing on the bottom of page 548 and continuing down for a page or two. I have no time here to read any portion of those proceedings, but I wish to call your attention to the fact that they were like those in the Senate in 1896, and in those proceedings in the House this whole question was gone over as to what the practices of the judges of our country were in certifying to their expense accounts. It was thoroughly ventilated, and, as a result of it, everybody in both Houses of Congress knew what was being done. From the record of this case, on page 552, it will be seen that at the session of Congress of January 27, 1903, when the House had under consideration the judicial salary bill, proposing to give the judges both increased pay and expenses, the matter was under discussion, and it resulted in the offering of the following amendment:

That it shall be unlawful for any of the judges of the United States courts to accept or receive any gifts, free transportation, or frank from any corporation or person engaged in operating any railroad, steamboat line, express or telegraph company. Any violation of this provision shall be punished by a fine not less than \$100 and not exceeding \$5,000.

The yeas and nays were ordered; the question was taken, and there were—yeas 87, nays 114, and I believe Mr. Manager OLMSTED was in charge of the bill at the time that amendment was voted down.

I shall have something to say upon that with respect to another article of this impeachment. But, Mr. President, it is folly to say that in towns like Tyler and Waco the marshal who paid the \$10 per day, the judge who passed upon the accounts, the officers of the Department of Justice, and the officers of the Treasury Department did not know that in the very nature of things the real expenses paid in most cases, at least, could not reach the sum of \$10 a day, especially when the judges were sitting for any length of time. I insist that knowledge was in possession of the marshal, of the judge, of the two Departments, of the Senate, of the House, yea, of the Government itself that this construction was being placed on the law all over this land; and I insist that that spirit of justice inherent in the hearts of all good men to the effect that no one ewe lamb shall be singled from the flock for slaughter applies in this case.

Mr. President, Charles Swayne knew every time he signed a certificate that the marshal knew, for he must have known, being there and knowing the local conditions, whether those actual expenses had been incurred. The marshal knew and the judge of that district must also have known whether that certificate represented money actually paid out. The respondent knew that the Department of Justice, with its unnumbered special agents going up and down this land, as they should go, to ferret out crime and to prevent frauds upon the Government, knew every time they looked at one of these certificates from Tyler, Tex., or from Des Moines, Iowa, or from any other of the ordinary sized cities of the country—perhaps I am doing an injustice to Des Moines—that a certificate for \$10 a day meant something more than the mere recovery of moneys paid out.

The respondent did all this in the light of day, before the world, fearlessly. If he had not honestly believed that he was right, would he in a single instance have dared to defraud the Government in this small way, thereby taking the chances of the penitentiary or of impeachment? The very statement of the case renders its answer sure, and on it we confidently appeal to the judgment of the Senate, both to the judgment of its lawyers and the judgment of its business men of affairs.

Mr. President, as to the fourth and fifth articles of impeachment I shall have but little to say. As I have already urged, the claim is stale. It is covered up with the dust of the years. It has been resurrected by the hands of ghouls digging into the past to throw discredit upon this man, whom they did not like. He once rode from Guyencourt to Jacksonville, Fla., with three or four members of his family, on a private car. Mr. President and Senators, let me ask you, is there one word of testimony in this case that Charles Swayne demanded the use of that car or that it was ever sent to Guyencourt by his request? The receiver of that railroad, knowing the Judge was at Guyencourt and that it was about time when he would go to Florida, sent the car to him without any request from the Judge, as the testimony shows, and as an act of courtesy and of compliment. He sent it there without expense to the railroad or to the receiver. Not a man went with it who was not a salaried monthly employee. It was not necessary during those few days for the railroad to employ an additional man or to pay for one day's more work than it would if the car had not gone. Its transportation was provided for through the ordinary courtesy of connecting lines and cost the railroad and its receiver not one dime.

But they say this man should be impeached because he and his family took unto themselves and into themselves four square meals without compensation. I suppose the honorable managers would impeach this man because at the end of every meal on that car he did not walk up, as he would have done at the eating house at the station, and plank down 50 cents per head.

He also went to California in a car of the same railroad company, but you only know it because he admitted it in the answer. They have introduced no evidence except to show the bare statement he once made that he had been to California in that car. All this was in 1893. You must take our answer with respect to the California trip as the proof and as the truth, and in that we allege that not one dollar of expense attached to the railroad company or its receiver from that trip. It was tendered to the judge as a matter of compliment, and as such was accepted by him.

Mr. President, I do not stand here in the light of modern sentiment to claim that at the present time it would not be better for the judge or any other public officer in the land to refuse favors from the great transportation lines of the country. Public sentiment has so far ripened that to-day the great body of our people politic do not look with favor upon the acceptance of these courtesies by those who represent them in various official capacities. But I ask you to turn back twelve years, when that sentiment was almost in its infancy and the acceptance of favors from the railroad companies of this country was almost universal on the part of public officials. No public official in the land, on the bench, or anywhere else ever thought, nor did his people, that his judicial or official action would be hampered or impeded or influenced thereby.

I am not here to stand for the absolute propriety of any man upon the bench accepting courtesies from railroad companies, but I am also here in the discharge of my duty to say to you that the acceptance of a ride in a private car without expense to the railroad company is no different from the acceptance of a pass to ride from Washington to Baltimore without expense to the railroad company or to the man who uses it. The only difference is in degree. If one be an offense, both are offenses. I sincerely trust, no matter how seriously it may affect me personally, that the day is soon to come when all services rendered by railroad companies will be paid for equally by all.

But, Mr. President, to say that this transaction, which never entered into the mind of this man other than as a mere matter of compliment to him, which involved the railroad in no expense whatever, unless it may have been a few paltry dollars for meals upon one occasion—to say that that dead and forgotten transaction of twelve years ago is a ground for the impeachment of him for high crimes and misdemeanors is to make the suggestion laughable in the eyes of the world.

Mr. President, it is charged that Charles Swayne did not reside in his district, in accordance with the provisions of the statutes of the United States. He was appointed a Federal judge, as I now recollect, in 1889. He set up his residence at the time of his appointment in St. Augustine, Fla., then in his district. He established his household gods. He laid the family altar. He brought there his family. He planted his vine and his fig tree in the expectation and hope that there he might abide until the shadows came. He did it honestly and in good faith. It was no fault of this respondent that he did not continue to reside in St. Augustine, Fla.

Mr. President, I will not in this argument refer to any conditions that existed in that State to which I ought not to refer. But it is shown by a consideration of all the evidence and the

circumstances of this case that in some way or other prior to 1894 there had been aroused against Charles Swayne, the judge, some sort of feeling or prejudice in the northern district of Florida. At the time of his appointment Florida was about fairly divided in territory and business between the northern and the southern districts. But something occurred—I know not what. It may have been because that community felt, as I think perhaps any other community, North or South, East or West, might have felt, that he had been in the State too short a time to supplant some one of the older members of the bar in the nomination and appointment to the highest judicial office among them.

But whatever it was, the movement against him proceeded until it terminated in what? Finding that he was there for life, that he could not be removed, they cut his district in two, more than in the middle. They took from it almost all its territory where was the business of the district and the court and attached it to the southern district of Florida, leaving in the northern district only what might be termed the northwest corner of the State, a part of the State where very little business was to be expected.

That this legislation of 1894 was a direct attack from some source and for some purpose against this judge no man can possibly deny. What followed? By that act he was driven from his home. He was uprooted in his household affairs. The shelter that he had provided for his declining years was denied him. He was compelled to go out once more in the world and seek another habitation. He was not a wealthy man. He could not, like some could, establish residences and buy houses ad libitum in different parts of the country. He was called upon to sacrifice, I have no doubt, very much that he had invested in that home. In any event, he was driven out from its peace and from its comfort and under the law compelled to go into the confines of his new district.

What did he do? What would you have done? As the testimony shows, his stress was such that he was compelled, as he did, to scatter his family over the face of the earth. He had no new hencoop to which to call his chickens; and so, from that happy home, that expected home of his old age, he went out into the wilderness of the new district.

Mr. President, it is true that he never gathered his chickens into another coop until the year 1900. It is true that he never set up another family altar until then. It is true that his household goods were scattered; his furniture in storage; his old home occupied by strangers; his wife and his children here and there. But, sir, do you mean to tell me that that man had and could have had no legal residence anywhere because of this condition of things? When he broke up his house, when he stored his household effects, when he sent his wife and children off to roam and to visit about the country, this man could and did establish a residence by going to Pensacola, declaring his purpose to make that his residence, and continuing in that purpose all the time down to 1900, when that legal residence blossomed into a real residence and home once more.

During all this time, there being but little business in his district, he was called upon by the circuit judges of that great circuit to hold court all over the South, and for at least a hundred and fifty or two hundred days per year he held court all over the South in the circuit court of appeals and in the other districts of the fifth judicial circuit.

Let it be said to his honor and his credit that never from a lawyer, never from a client, never from the judges who called him into their associate service, never from the public, has the least criticism been passed upon his judicial actions, on his judicial honor, on his judicial ability, in any other district than the district where unfortunate circumstances have combined to raise up against him those full of bitterness and hate, who propose to pursue him out of Florida or into the grave.

But it is gravely asserted that he did not register and vote. What Republican would care to register and vote in Florida? Or what Democrat would care to do the same in Vermont? He was not a politician. Elections passed him by. It is doubtful whether, if he had been in any other State, he would have taken the time to register and then to go to the polls to vote.

But they say he did not pay any poll tax. A monstrous charge! Nature placed him beyond the reach of a poll tax in Florida on his birthday in 1897. Born in 1842, when he became 55 years of age the laws of Florida imposed no poll tax upon him.

Senators, I will discuss this charge but a little more, and only to say the evidence shows that unless he had a legal residence in Pensacola he had none upon the earth, and was a mere flotsam and jetsam on the tide of time, without a shore upon which to land or a support to which to cling.

And now I come to the consideration of the Davis and Belden

contempt cases, and I say with all deliberation, with all honesty, that the persecution of this man for his judicial acts in the Davis and Belden case is, from my standpoint, not only unjustified, but it is monstrous. They have tried to bolster up the Davis and Belden case by appealing to you for that old man who they say was one of the founders and the saints of the Republican party in the South. The Republican party has had too many saints in the South for its own welfare or the welfare of the South; and sometimes I have wondered, when I hear a man spoken of as one of the old leaders in Louisiana, where the Warmouth and other contending factions were tearing the Republican party into bits, destroying the possibility of its future, whether it was an act of honor to have been a saint of the Republican party in Louisiana during those times.

Davis and Belden conspired against the dignity and the authority of the court just as surely as Wilkes Booth and others conspired against the life of President Lincoln. Conspirators do not meet in the light. They do not gather in the eyes of men. They do not mark their plans upon their sleeves, that men may read them. They go about by stealth. They seek the darkness of the night. They come together as little as they can. They pass their plans along the line, and they prevent, as far as possible, any proof of their conspiracy. Conspiracy can not be proven by direct evidence unless some man turns informer. It is only by the careful piecing together of circumstances that conspiracy has ever been shown, and yet circumstances that bear no other construction than their relation to each other are stronger proofs than the testimony of witnesses to facts, because witnesses may lie; circumstances generally do not.

Mr. President, years ago a great engineer proposed to carry a wire across the chasm below Niagara Falls that it might bear up a bridge over which could pass the commerce of the country. There were those who laughed him down, or tried to do so. They said no wire could be made strong enough to bear up this mighty structure. He strung one wire thread across the abyss that almost broke of its own weight and would not have held up a single pound more. Then he stretched another thread of wire along its side and then another and another until they all had crossed. Then he wove them together with the engineer's skill until each one was enwrapped in the other, and the weakness of each single strand, as if by magic, became the mighty strength of the whole, and the structure was built across which the giant locomotives that haul the commerce of the world still pass in safety.

So when you come to prove conspiracy you must take it up by threads, this one and the other one, one at a time. One thread may show but little, but when they are brought together and woven along the lines of reason and of logic they show the strength of proof itself.

So, Mr. President, there was pending in the circuit court of Florida in November, 1901, a suit known as the "Florida McGuire case." The family of suits from which that had descended had vexed the courts and the people there for many years. They had been brought before different judges and tried in different tribunals, and, as Mr. Blount said to you, all of them had resulted in the defeat of the plaintiff. But another child in this family of litigation was born in the Florida McGuire suit. It was pending, and for some reason or other Paquet and Belden did not wish to try it before Judge Swayne. I do not care what their reason may have been; I do not care what their motive was; I state it as the groundwork of my argument on this question of conspiracy that they did not want him to try that case.

In August, 1901, Paquet sent him a letter telling him he understood he had become interested in a piece of the property involved, and asking him to recuse himself. That was not an application made to the court or in the court. There is only one place to make an application of that kind, and that is in open court, where attorneys for both sides are present and where all the world knows what goes on.

Judge Swayne did not reply. He went to Pensacola to attend court. He opened court on the 5th day of November. Judge Paquet was there, the leading counsel in the case. It may or may not be true that Belden was there. It probably is true that Davis was not there. But Judge Swayne then and there from the bench made that statement, as clear as the words of living man could have made it, in the presence of the assembled lawyers and spectators. It was made at the opening of the court. It was made in public. There was no doubt as to what he stated at that time.

Do you doubt that a knowledge of what he said was conveyed to Judge Belden by Paquet, his associate in that case, the moment Belden reached the town? Do you believe for an instant that that same knowledge did not go to Davis when he was with

those men consulting and apparently acting as their associate from day to day? It is beyond the bounds of human reason, judging those transactions by what we know of the general impulses of mankind, to believe for an instant that Belden and Davis did not know of the full and specific statement that had been made by Judge Swayne from the bench. Later in the week he repeated that statement when Belden was there, and when some of the witnesses say that Davis was there.

So, Senators, before that case was called for trial on the afternoon of November 9 it is proved, if men's judgment accept proof that is irresistible in logic, that Davis and Belden, as well as Paquet, knew what Judge Swayne had stated from the bench.

And what did he state? I ask you, Senators, what did he state? It had been suggested to him that he had some interest in a piece of the property involved in the litigation. He said I have not, I never have had. I am not quoting his language, but the effect of what he said, clear and unmistakable, was, I have no interest; I never have had. He might have stopped there; but, like the open, honest man he was, he went on. He said, "A member of my family did enter upon negotiations for that property." I ask you to take notice of that word "negotiations," for Mr. Blount says that was the word he used. Mr. Marsh swears that was the word he used. He did not say that a relative of his bought the property, but that a relative of his had been in negotiation for it. He did not say the relative had bought the property. There was no contract outstanding at any time. He said that when the deed was presented by the grantor he discovered it was a quitclaim deed and he refused to accept it and had the deed returned.

Title never passed, the deed was never delivered or accepted, no money was ever paid. No person on earth claims, or can claim, that Judge Swayne or Judge Swayne's wife ever had, for a single instant of time, an interest in that property of any kind whatever.

And, Senators, those three lawyers knew that was true. The records of that county were there for them to search the whole livelong week. There was not a line upon it showing title in Charles Swayne or in any member of his family. The title there appeared to be in one Edgar. Not only that, but they knew the real estate firm that had conducted that negotiation. They only needed to have gone across the street to have had there a complete answer made and the information given them.

Did they do it? No. They knew, they ought to have known, they must have known, that Judge Swayne or his wife or his relative never had any interest in that property; that he was as free to enter upon the trial of that case as any other judge in the United States would have been. They never questioned it in that court at that time.

What happened? After Judge Swayne had refused to recuse himself, after he had made this statement from the bench showing he had no interest in the property through himself or others of his family, they filed a dismissal of their plea to the answer thus putting the case at issue. They noticed the case for trial. They were consulting together with Mr. Blount all through the week in open court as to the forthcoming trial of the case, leaving Blount to understand from day to day that they would be ready for the trial when the trial might be reached. Blount acted on this information. He sent for one of the public officers at a distant town, he subpoenaed his witnesses, he took the ordinary precaution that a lawyer takes to be ready for trial when the trial is reached. All through the week Paquet and Davis and Belden as a trio were sticking together apparently for one single interest, for there was nothing else before that court, unless it was the McGuire case, in which they were all interested.

They were sitting together in the court, consulting together; all were present when discussions were entered into with Mr. Blount as to the probable time when the case would be reached. All that week these men were there expecting to go to trial.

Not only that, but as showing their full knowledge of what Judge Swayne had said and the attitude he had taken, during that week these men, or some of them, sent to Judge Pardee at New Orleans either a letter or telegram, as was testified to in answer to my question, and Judge Pardee in answer to that sent back a telegram telling them to go on and make up the record and preserve their rights upon an appeal. You can only judge from that that they had written or telegraphed Judge Pardee asking him to come there or send some other man there and try that case. But these three men were there acting together.

Do you deny either the honor, the truth, or the judgment of that man Blount, one of the greatest lawyers of that great southern land which has been the birthplace and the home of great lawyers and of great statesmen in all the years of the nation's life? Standing here, preeminent in his profession, a man whose char-

acter is unsullied and beyond reproach, he told you of the connection that there was between these three men in that court during that week; how they were consulting together. Davis comes in and says, "I was not employed; I was not retained until long afterwards." And that is perhaps true. He may never have been employed in that case. He may never have been retained. But at least as a lawyer without any business in that court he was evidently trying to break into the case by assisting the lawyers who were already there. It makes no difference whether he was a lawyer in that case or not, all three of these men were officers of the court, bound under their duty and by every rule of propriety and decency and professional regard to maintain the court, to assist it, not to thwart it in the carrying on of its judicial business.

On Saturday afternoon the criminal docket was concluded. The lawyers on both sides of that case had expected it would be concluded that day. They had been watching it every day. They knew that it was not only the rule but that it was the announcement of the Judge at that term of court that the civil docket would be called immediately upon the conclusion of the criminal docket. It was their duty to get ready for trial. Yet they never made a move. They never asked for a subpoena. They never took a single step to assemble their witnesses and have them on hand until Saturday evening came. Then, when their case was called for trial, they asked for a postponement. The Judge, as Mr. Blount has so well told you, in a fair and impartial manner, said: "Why, certainly, I have no objection to setting this case for next Thursday if the lawyers on the other side do not object." But they did object, as it was their right to do, and what was Judge Swayne's harsh and oppressive action? He said, "Gentlemen, I will call this case for trial on Monday morning. It will then be tried unless good cause is shown for its continuance or postponement." If the lawyers had had any good cause to show they might have shown it on Monday morning. But they had none.

And, Senators, this pretense that they did not go to trial on Monday morning because they did not have time to get their witnesses is a sham and an evasion—yea, and a falsehood.

Judge Belden, when testifying in Florida, said that they did not go to trial because they did not have time to get their witnesses. He said they had forty or fifty witnesses, many of them living at a distance. He admitted on this witness stand that he so swore. And yet when the resurrected case, or the reincarnated case, of Florida McGuire came on for trial the next spring—the same case, the same issues, the same necessity for witnesses—they subpoenaed only twelve witnesses, every one of them living within half a mile of the court-house; and on the trial they only swore and examined sixteen, all of them living and being within half a mile of the court-house.

Judge Belden said on this witness stand, in answer to my question, that that was the only reason they did not go to trial with that case on the following Monday morning. That statement is an evasion and can not be true. The clerk swore he could have gotten out subpoenas for all those witnesses they thereafter had inside of fifteen or twenty minutes; the marshal swore that he could have served them all in an hour; and every witness they had or knew of on the face of God's wide world they could have had there at the opening of the court on Monday morning before they were asked to swear or examine a single one. It is a mere excuse to fortify their denial that they conspired against the dignity and authority of that court.

What happened when they went out of court that Saturday night? Born in the mind of some one was the idea of placing the judge in an unjudicial position before the bar and the community. Do not tell me that those men went from that court room and assembled in the back room of a store, the last place on earth to transact legal business and prepare papers—do not tell me, any of you who are lawyers, that they just went there for the honest purpose of hurrying Charles Swayne into the State court before he could get out of town and escaped their service. It is a fabrication that does not stand any test. It is a falsity that has been made up for the purpose of attempting to excuse the unprofessional actions of these men. In the back room of the store they got together. In the watches of the night they got out a præcipe. They sent it by special messenger, one of their nonprofessional fellow-conspirators, to the clerk of the court at his house and aroused him, and there compelled him to go down to the court-house and get out their summons. They also hunted up the sheriff at that late hour of the night and sent him on wings of fire to find Charles Swayne and make him a defendant before the morning light could shine. Why? Out of that same conclave in the back room of Pryor's store at the same time the præcipe for summons went out by one hand the newspaper article formulated and concocted there went out

to the printing office by another hand; another fellow-conspirator carried it. These were acts done at the same time. They must have related to the one purpose.

What possible object was there in publishing on Sunday morning in the local paper the fact that Charles Swayne had been sued if their only desire was to bring him into court on the trial of a real lawsuit and a legal issue? Their suit against him was a fabrication. As lawyers they knew he had no interest in that land. As lawyers they knew it was a violation of their oaths to bring him or any other man into court on a false suit. They knew it then; they knew it a little later; they know it still. They were officers of the court. They were under a different obligation from mere outsiders. They come under the provisions of the contempt statute of 1831, for under that law the officer of the court may be prosecuted summarily for contempt, and the acts of these men were not only near to the court-house, but they were a series of confederated acts, all making one whole and complete act, part of which act was performed in the court-house in the presence of the court.

I tell you, gentlemen, that at some time on Sunday, when the knowledge reached these three men that contempt proceedings would be taken against them on the opening of the court on Monday morning, they conceived for the first time the purpose of dismissing their suit and disclaiming confederation in the bringing of the suit against Judge Swayne and in the publication of the newspaper article. When they knew on Sunday that they must answer at the bar of the court for the improprieties and offenses they had committed, one of them went away. The other two must stay because they lived there; and for the first time they conceived the idea of going into court on Monday morning and dismissing the Florida McGuire case.

Senators, what happened at that trial for contempt? I will only in a word describe it. Great stress has been laid upon the alleged fact that it was a hurried trial, that but little time was consumed in it, that there was undue haste. How so? The defendants had served upon them a rule to show cause, in which rule was fully set forth in writing the charge against them. They had time to prepare an answer. They did come in with an answer, evasive and unverified by oath. They made no objection to proceeding to trial. They made no objection to the calling of witnesses. They did not offer themselves as witnesses that they might be examined upon their oaths and cross-examined then and there at the bar of the court to which they must then answer, as to whether or not they had been guilty of conduct unprofessional and involving the dignity of the court. They had a chance to purge themselves then. It was their day in court. They were untrammelled by conditions or restrictions; their plea was in, witnesses were sworn. They might have had the time that was necessary to call all the testimony in the world; but they sat back there under their evasive, unsworn answer, and judgment fell upon them.

You say that the Judge made a mistake because he said "punishment by fine and imprisonment." That has not been an uncommon mistake in the courts of the United States in sentencing prisoners. Our criminal statutes are so varied, so many of them read "fine and imprisonment" and so many "fine or imprisonment," that it has been a somewhat common occurrence that a person convicted has been sentenced for both until the error has been called to the attention of the court by counsel. You say the Judge ought to have known the law. So ought these defendants in the contempt proceedings; and when the Judge sentenced them to both fine and imprisonment it was their duty as lawyers not to keep silent but to speak, to point out the error, and ask to have it corrected, as it would have been done.

Was Judge Swayne harsh and angry in imposing that sentence? Did you listen to that man Blount when, with the correctness of a trained legal mind, the assistance of a remarkable memory, and with the careful attention to the truth that shows him to be both conscientious and just, he related that sentence as it was enunciated from the bench, a sentence dignified and proper, one that could scarcely be duplicated by any judge on the spur of the moment from any bench in the land. It was a judgment given more in sorrow than in anger, in the performance of a high duty, to maintain the authority and dignity and respect of the courts of the United States.

Talk about the judgment being excessive for such an offense as that which was committed by these officers of the court! Where is there a judge in all this land, defied as Judge Swayne was, who would have let them off with so light a sentence? They were not adequately punished either in consideration of their offense or in consideration of the example that ought to be set to the bar of the United States.

Gentlemen, these things that I have shown to you I have not guessed at from this testimony. They are all as evident when you read the circumstances of that transaction as is the morning sun where no cloud obscures its face. The respondent, Paquet, like an honorable man, came into court and purged himself of contempt. He confessed that he had done wrong, that he had not lived up to his duty as an attorney and an officer of the court, that he had belittled the dignity of the bench, and obstructed the administration of justice. Then this just judge, this patient, long-suffering man, said: "You are forgiven, and you may go without punishment."

Senators, that case was taken to the circuit court of appeals, where Judge Pardee and his associates heard it on habeas corpus. The opinion there rendered is in this record. It shows that Judge Pardee not only maintained that Judge Swayne had jurisdiction of the subject-matter and of the persons, but that he also had before him a clear case of willful, deliberate contempt by officers of that court of its authority.

What shall I say of the O'Neal case, out of which sprung for the most part all of the work which was done which resulted in the securing of the resolution passed by the Florida legislature? Here was a man, the receiver of a bankrupt estate, an officer of the court, performing his duty, and only his duty, under the law, acting by advice of counsel in the bringing of a suit against the bank of which he himself was a director and a stockholder, set upon, assaulted, stabbed, cut, left almost dead, by the president of that bank, who had come to his office for the purpose of reproaching him and taking him to task for bringing that suit against the bank. Did he also get too much punishment when he had sixty days? Except for the Providence which saved his victim's life and left him only scarred and maimed, he would have expired that offense upon the gallows.

But it is said that the judge exceeded his authority because that was not a contempt under the statute of 1831. It was an assault upon the officer of the court at the office of the receiver. That bankruptcy court under the law is a court always in session for bankruptcy proceedings, for the filing of papers, the making of orders, and the consideration of accounts. It is a part of the machinery of that United States court. It is a part of the court itself—an integral part of the court, which is always in session.

Do you care to have anybody review the conflicting testimony in that O'Neal case to say as to whether or not the preponderance of proof is that O'Neal commenced that assault because of his desire to reproach and punish the receiver for bringing suit, or whether that was a quarrel brought on without reference to that purpose? Do you care to have me examine that testimony for the purpose of determining as to which of the two combatants was to blame or was the first offender?

I do not think you do, for, Senators, I appeal to you that both in the Davis and Belden case and in the O'Neal case it was a trial had before the Judge in open court, a trial conducted on both sides by able attorneys, where there was no limitation on the right to produce witnesses, no limitation on the right and privilege of argument; and those two cases, in which Judge Swayne had jurisdiction both of the subject-matter and the person, were decided by him judicially, and are not a subject of impeachment unless you can show that in those things he acted of a malicious and malignant heart. Unless you show his dishonesty or malice in his judicial action he is protected by that shield which the wisdom of our judicial system throws around the bench, for if a man may be questioned for his decision from the bench, even if he be wrong, if for a decision wrongfully given from the bench he may be punished, imprisoned, or removed, our judiciary has no protection.

Mr. President, in these times when the gravest questions of statutory construction, when the gravest questions of constitutional construction, when the gravest questions of law affecting mighty interests are only decided at last in the supreme tribunal of the land by votes of five of the judges against four who dissent, what man is great enough at all times to know, understand, construe, and apply the law as it really should be done? This man claims no greater ability than his associate judges throughout the country, whose decisions in all kinds of cases are reversed and remanded day after day and time after time.

Mr. President, in support of my contention in the O'Neal case I present the opinion of District Judge Jones, rendered in the northern district of Alabama, a judge whose great legal ability and attainments are known to every Senator in this body from that whole section of country. This also was a case brought before him where one of the officers of his court had been assaulted because of his official actions. I will only read the syllabus, and ask to have printed as a part of my remarks the entire opinion, because it is the clearest, the most exhaustive, the most

convincing exposition of the law upon this subject that I have ever seen or read. The following is the syllabus:

[Ex parte McLeod. District court, N. D. Alabama, S. D., February 13, 1903.]

#### 1. CONTEMPT—ASSAULT ON OFFICER OF COURT.

As courts can exercise judicial functions only through their judicial officers, an assault upon a judicial officer because he has discharged a judicial duty is necessarily an attack upon the court for what it has done in the administration of justice.

#### 2. SAME.

It is vital to the welfare of society that courts which pass upon the life, liberty, and property of the citizens be free to exercise their reason and conscience unawed by fear or violence; and the highest considerations of the public good demand that the courts protect their officers against revenges induced in consequence of the performance of their duties, as well as violence while engaged in the actual discharge of duty.

#### 3. SAME.

It is a high contempt of court to seek to punish a judicial officer for his official acts elsewhere than before a constituted tribunal of impeachment, and the offense culminates in its malignity toward the court when its officer is assaulted for judicial acts by one who has been arraigned before him.

#### 4. SAME—WHAT CONSTITUTES.

An assault upon a United States commissioner because of past discharge of duty is a contempt of the authority of the court, whose officer the commissioner is, in the administration of criminal laws, although no proceeding against the offender was then pending, and the commissioner was not at the time in the performance of any duty.

#### 5. SAME—POWER TO PUNISH.

Legislation on this subject reviewed. Section 725 of the Revised Statutes of the United States (U. S. Comp. St., 1901, p. 583) held to take away the common-law power of Federal courts to punish criticism of judicial acts, or publications which amount to no more than libels upon their officers, but not to deprive those courts of the power to punish summarily, as for a contempt, an assault upon a court officer while yet in office, induced by his performance of duty in a past case.

#### 6. SAME.

Courts will punish contempts of their authority only when the ends of justice will be best subserved thereby.

(Syllabus by the court.)

I ask to have the entire opinion inserted as part of my remarks.

The opinion referred to is as follows:

#### ON RULE TO SHOW CAUSE AGAINST PUNISHMENT FOR CONTEMPT.

A. N. McLeod was indicted on the 15th of March, 1902, under section 5399 of the Revised Statutes (U. S. Comp. St., 1901, p. 3656). The indictment charged, in substance, that McLeod, after examination, upon a charge of violating section 5440 of the Revised Statutes (U. S. Comp. St., 1901, p. 3676), before Commissioner Randolph, was on the 20th day of June 1900, held to answer before the next circuit and district courts of the United States for this division and district, and that on the 30th day of October, 1900, McLeod, "well knowing that Randolph was such commissioner," etc., "went upon the highway and unlawfully did threaten and assault the said G. B. Randolph, the said officer as aforesaid, for the reason that the said Randolph, as such officer, had required the said McLeod to execute bond for his appearance," etc. The next sitting of the grand jury after the assault was on the first Monday in March, 1901. It adjourned without taking action. This indictment was found a year afterwards and more than sixteen months after the assault. The case came on for trial at the September term, 1902, when the defendant interposed demurrers on the ground that the offense charged was not indictable under the laws of the United States. During the argument the district attorney stated that if the demurrers were sustained he would ask a rule requiring the defendant to show cause why he should not be punished for contempt, and the court replied that it would determine in that event whether the offense charged constituted a contempt. The demurrers having been sustained (United States v. McLeod, C. C., 119 Fed., 416), the court announced its conclusion as to the contempt feature at a subsequent day of the term.

Thomas R. Roulhac, United States district attorney for United States.

Knox, Blackman & Acker opposed.

JONES, District Judge (after stating the facts as above). The evil example of the offender and the improper inferences the lawless may draw from the inability to punish him by indictment make it a duty to inquire whether the assault upon the commissioner because of past discharge of duty constitutes a contempt of the authority of the court, which should be punished to prevent a repetition of such offenses in the future. A right understanding of the things which lie at the root of this matter is so vital to the good of society that full discussion can not be out of place.

Civilized society abhors the arbitrament of private or interested force. It sets up its own tribunals to determine whether there is any reason for exerting the forces of society in the settlement of disputes, and, if so, in whose favor and to what extent. The reason and conscience of officers called "judges" wield and direct the awful power of administering justice, which in so many ways controls the destinies of men. Violence to punish the free exercise of the reason and conscience of such tribunals is a blow at all order and strikes at the very existence of justice. Separated from its officers the court "is invisible, intangible, and exists only in contemplation of law." It "lives and moves and has its being" only in the acts and personality of living men. The ideal thing called the "court" is beyond the reach of force or fear or fraud. Bearing in mind what the court is and how it is constituted it is unreasonable in the extreme, in seeking the principle for ascertaining and preventing obstructions to the justice the tribunal administers, to insist that this legal abstraction, which can neither breathe nor stir save in the bodies of living men, can be discovered, for any practical purpose, in a matter of this kind from the only personality in which it can exist as a living force.

What reasoning being can deny that assaults upon court officers, because they discharge or have discharged their duty, are subversive of the independence of courts and destructive of authority and usefulness? Why are officers protected, if not to safeguard the administration of justice? There is generally no reason for protecting an officer

as to the discharge of duty which does not apply with equal force as well after it is done as while it is being performed. What a man fears may happen to him in the future because of doing his duty, if contemplated at the time the duty is being considered, may, and generally does, influence the discharge of that duty. The desire for vengeance frequently arises only after the duty is performed, because of its performance, creating greater need for protection to the officer than while he is executing the duty. In divine and human laws the effective means relied on to restrain the acts of men is to hold up before their eyes the consequences which may result from their acts. Will the ordinary officer discharge his duty fearlessly and unawed, against the powerful, the vicious, and the desperate, when he knows that, the moment the duty is done, the power he serves will withdraw its protection and leave him naked to the vengeance his act arouses? Will the lawbreaker dread to give loose rein to his passion when he feels that the court can not or will not punish assaults upon its officers because of past discharge of duty?

So firmly is recognition of the truth embedded in our jurisprudence that officers should be protected from improper consequences of discharge of duty that it has always shielded judicial officers, on the highest considerations of the public good, from being called in question in civil actions for things done in a judicial capacity, even when corruptly performed. (*Hamilton v. Williams*, 26 Ala., 529; *Busted v. Parsons*, 54 Ala., 403, 25 Am. Rep., 688.) The reason is nowhere as well stated as by Chief Justice Kent in the memorable case of *Yates v. Lansing* (5 Johns, 282), where he says:

"Whenever we subject the established courts of the land to the degradation of private prosecution we subvert their independence and destroy their authority. Instead of being venerable before the public, they become contemptible, and we thereby embolden the licentious to trample upon everything sacred in society, and to overturn those institutions which have heretofore been deemed the best guardians of civil liberty."

Greater still must be the sweep of the evil if judicial officers can, with impunity, be subjected without resort to any court to responsibility for judicial acts and punished therefor by private vengeance, administered by persons who in the past have come in harsh contact with their power. Who would have any respect for the authority of a court whose judge the moment he left the court-house could be subjected, with impunity, to insult and assault because of acts done in his judicial capacity while on the bench? Is it in the power of any person, by insulting or assaulting the judge because of official acts if only the assailant restrains his passion until the judge leaves the court building, to compel the judge to forfeit either his own self-respect and the regard of the people by tame submission to the indignity, or else set in his own person the evil example of punishing the insult by taking the law into his own hands? If he forbear for the time and resort to the criminal law the remedy is hardly better than the wrong, since then he must become a private prosecutor in some other court and depend on it to vindicate the independence of his own court. Unless the court whose officer he is can and will punish such conduct and acts toward the person of the judge, when past discharge of duty is the motive for the indignity, the judge must submit to some of these alternatives; and any of them degrade his office and bring administration of justice into scandal. No high-minded, manly man would hold judicial office under such conditions. Justice would depend not alone on the learning and integrity of the judge. His ability and will to fight unto death, even in a street brawl would be equally, if not more, important. Are not these things of grave concern to the court, which can exercise its functions of administering justice only through the judge who is thus badgered, assaulted, and intimidated because of judicial acts?

When the duty and power of the court to deal with such evils are considered in the light of principle and reason, the real question is not where the indignity occurred, but whether it related to the discharge of duty and has the evil consequences in the administration of justice to which we have adverted. If these results follow it is not at all material, so long as the judge is assailed for official acts, where the judge is at the time of the assault, nor whether he is then engaged in the discharge of any duty, nor whether the court is then sitting, nor whether the assault was with reference to a past, instead of a pending case. These things are not of the essence of the offense and evil. Viewing the offense on principle, the sitting of the court is material only in determining when its power can be put in motion against the offender. The evil is that the judge has been held to accountability for his judicial acts and punished, contrary to the law, because he has performed them. That acts like this, which degrade the judicial office, unfit judicial officers for calm deliberation, awe them in the exercise of their functions, and undermine their independence, must recoil fearfully on the orderly and decent administration of justice, can not be denied. It is therefore a high contempt of court for anyone to seek to punish the judge for his judicial acts elsewhere than before a constituted tribunal of impeachment. The offense culminates in its malignity toward the court when the judge is actually punished for judicial acts by personal violence at the hands of one who has been arraigned before him.

After diligent search no reported case has been found in this country which covers the precise question here involved. There is a very learned and thorough discussion, to which little can be added, of the general principles which govern cases of this sort by the general court of Virginia in *Commonwealth v. Dandridge*, 2 Va. Cas., 408. That case and this differ, however, in some important features. There, the judge was insulted about a suit against Dandridge's surety, which was still pending before the court. The hour had arrived for its sitting, and the judge was on his way to the court room, and near there, to take his place on the bench, when Dandridge denounced him for past conduct in the case at a former term.

Here no proceeding whatever in which McLeod was interested was pending, either before the commissioner or the circuit or district court, at the time McLeod assaulted the commissioner. The latter was not then in the discharge of any duty, as was the judge in the Virginia court. (In *re Neagle*, 135 U. S., 1; 10 Sup. Ct., 658; 34 L. Ed., 55.) In Dandridge's case there was insult only by words and manner. Here there was an attempt to do personal violence. Judge Dade, who delivered the main opinion in Dandridge's case, said:

"The reason why such indignities put upon the persons of judges when off the bench were punished summarily as contempts was, to use the language of Blackstone, 'because they demonstrate that gross want of regard and respect which, when courts of justice are once deprived of, their authority, so necessary to the good of the Kingdom, is entirely lost among the people.'"

Immediately following, Judge Dade further said:

"Nor, in this particular and for this end, is it of the least importance whether the contumely is used in open court, at the moment the

occasion occurs, or at the moment afterwards, when the crier has proclaimed adjournment, as the judge descends the steps of the bench or those at the court-house door. The only real question in either case is whether it is his official conduct for which he is challenged and insulted."

He then adds:

"It was, however, very necessary for the defendant to draw this distinction, for which his counsel contended, if possible, because it was foreseen that there was no reason for protecting from insult the person of the judge in court on account of his official conduct which did not equally apply to protection out of court on the same account. It would have been shifting the ground to maintain that the insult in court was punishable because it interrupted the business of the court, because, besides its being sometimes of such a sort as not to produce this effect, it is referable in that respect to another head of attachment, viz, that for obstructing the power of the court."

Judges White and Parker rendered concurring opinions to the same effect. Judge Parker said:

"If any of the officers of justice are so threatened and insulted for their conduct as to make it apparent that such attacks, if permitted, would have influence on the general administration of the law, the offender is obnoxious to punishment on every principle of justice and expediency."

The conclusion that Dandridge was guilty of a contempt was unanimous, the ten judges concurring in the judgment. *Commonwealth v. Dandridge*, supra, is cited approvingly on the general doctrine of contempts, though not as to this precise point, by the Supreme Court of the United States in *Ex parte Terry*. (128 U. S., 304; 9 Sup. Ct., 77; 32 L. Ed., 405.)

It is said that punishment, as for a contempt, of an assault upon the officer because of past discharge of duty is inconsistent with the spirit of our institutions; that such an assault is nothing more than an assault upon a private person, and can only be dealt with as such; that punishment under the contempt power of the court of such an offense invests the person of the judge with privileges at war with the spirit of equality between citizens which our form of government maintains; and that it is, therefore, without the power of the courts in this country to treat any assault upon the office, no matter what the motive, when he is not actually engaged in the discharge of any duty, as a contempt of court. The necessities of government require, in many instances, that a difference be made between public servants and private citizens. For instance, it is for the public good that a Representative shall not be questioned elsewhere than in the House for which he is a Member for words spoken in debate. Such a privilege is the prerogative of the whole people; but it can only be made effective by giving protection to the individual who represents them, when it would not be accorded under like circumstances if he were acting in a mere private capacity. So it is of many statutory and constitutional privileges which are created for the public good and not for the sake of the individuals who hold official positions. An assault upon a judicial officer which grows out of official conduct necessarily differs from an assault upon a private individual about a private matter. The consequences to society are not the same. One affects the administration of justice. The other does not. The motive of the assault under every system of laws determines the gravity of the offense. An assault upon one who is a judge about a matter disconnected from his official duties is not of concern to the court, for it does not affect the administration of justice and does not differ in any wise or in any degree, in its legal aspects at least, from an assault upon any other individual. It would be a bald usurpation of authority for the court to attempt to pervert the contempt power to punishing an act which in no way concerns the administration of justice. The case here grows out of an assault upon a judicial officer because of past discharge of duty—a thing which gravely affects the administration of justice. Justification of punishment in such a case, as for a contempt, is found in the consideration that an assault upon a judicial officer for such a reason attacks the great prerogative of the people to have and enforce the fearless administration of justice.

It is vital to the enjoyment of civil rights and free institutions that tribunals which pass upon the life, liberty, and property of the citizen, and his relations to government, and its power over him, shall be and remain uncorrupted and independent. Hence the power to punish summarily contempts of their authority, to use the language of Blackstone, "is an inseparable attendant of every superior court." From time immemorial, in the mother country, the courts have exerted the power not only to compel obedience to their commands and to preserve order and decorum in their presence, but also to crush unlawful influences of any kind which tended to undermine their authority, or to corrupt or awe their officers in the discharge of duty, or assailed in any way those under the immediate protection of the court. This power was exerted to put down evils which tended to scandalize the general administration of justice, as well as acts which affected particular cases before the court. Courts allowed no violent intermeddling with persons concerned in the administration of justice, whether the force was brought to bear upon them while in office and discharging their duties or when out of office because they had discharged their duties. "Instances," to use the language of a learned judge, "were frequent where men have been fined and imprisoned for menacing and assaulting their adversaries for suing them, the counsel or attorney for bringing suit, the witness for his testimony, the juror for his verdict, and even the jailer for keeping him in custody." Courts uniformly regarded these things quite as vicious as assaults upon officials while actually engaged in the discharge of duty. They punished such "misbehavior" in order to curb an evil which, if let alone, weakened or threatened fidelity to trust of every person who then assisted or might thereafter assist in the administration of justice. This was the settled rule in the courts of the mother country. When the colonists came to our shores they brought with them the heritage of the Magna Charta, the writ of habeas corpus, and the right of trial by jury. They also brought with them the principle of administering justice by courts armed with ample power summarily to suppress all manner of evils which threatened their independence or assailed the freedom and impartiality of their officers in the administration of justice.

These attributes at the common law followed the courts set up here, and inhered in their very constitution. At the common law it was a contempt to publish criticisms of the acts of the court, and still more so to assail their officers by physical force because of the past performance of official duties. When upon the separation from the mother country the colonists set up freer institutions, based on the inalienable right of the people to govern themselves, and the conviction that the people could be safely trusted with all their own powers; when it was declared that treason against the United States shall consist only in levying war against them or in adhering to their enemies and in giving

them aid and comfort; and when Congress was prohibited from making any law abridging the freedom of speech or the liberty of the press or the right of the people to peaceably assemble and petition for redress of grievances, it followed inevitably, though not readily acknowledged at first, that government could not suppress or regulate these rights to the extent practiced in less enlightened ages in the mother country and in the early periods of the Government here, and that all powers of government, whether exerted by the legislative, judicial, or executive department, to suppress criticism or even libels upon the Government were hostile to the spirit of our free institutions. Profound distrust of the ability of the people to govern themselves alone made it possible to enact the alien and sedition laws, which expired by their own limitations and were ever afterwards condemned by the aggressive power of a dominant public opinion, which proclaimed as a maxim of government that greater danger to liberty and free institutions lurked in any power to curb the right of free speech and liberty of the press than from any abuses which might result from leaving them untrammelled. This public opinion, which has been acquiesced in by all departments of the Government and gone unchallenged for a century past, has pronounced a construction of the Constitution in this respect which has silently incorporated itself into that instrument.

The purpose of the constitutional command as to "a speedy and public trial by an impartial jury" would fall of fruition unless what is done in the courts is made known to the people, and, when improperly done, is held up for their condemnation. The right of a court to punish, as for contempt, criticisms of its acts, or even libels upon its officers, not going to the extent, by improper publications, of influencing a pending trial and usurping direction and control of the issue, would not only be dangerous to the rights of the people but its exercise would drag down the dignity and moral influence of these tribunals. Such criticism is the right of the citizen, and essential not only to the proper administration of justice but to the public tranquillity and contentment. Withdrawing power from courts to summarily interfere with such exercise of the right of the press and freedom of speech deprives them of no useful power. Liberty of the press and freedom of speech are not more favored than the right of the citizen to an impartial trial in the courts of the land. These are correlative rights, and the freedom of the press can not be perverted to frustrate the right to a fair and impartial trial. According to the prevailing and better opinion in the State courts, exercise of the liberty of the press, when it goes to the unlawful extent of injecting its influence into the trial of a particular case, so as to affect the issue, may still be punished as a contempt, notwithstanding provisions found in several State constitutions which are equivalent, in this respect, of the commands of the Constitution of the United States regarding the liberty of the press and freedom of speech.

The independence of the judiciary is a cherished principle in our plan of Government. Courts in this country strike down legislation and restrain executive acts affecting the life, liberty, and property of the citizen to an extent unknown in monarchical countries, where courts have less authority and play a humbler part in protecting the citizen against the aggressions of Government. There is not, therefore, and can not be, any incompatibility between our institutions and the possession by the courts of the fullest power to vindicate their authority and preserve their independence against physical assaults directed against their officers because of past discharge of their duties. Liberty of the press and freedom of speech regarding Government do not include the right to resort to violence against its officers.

Whether or not section 725 of the Revised Statutes of the United States (U. S. Comp. Stat., 1901, p. 583) deprives Federal courts of the power to punish, as for contempt, improper publications made to influence the trial of a pending case, and coerce or control the judgment of those entrusted with the duty, is not at all involved in the question before the court. It is to be borne in mind that this section of the Revised Statutes was induced by the acquittal of District Judge Peck, who was impeached for imprisoning an attorney for a criticism of one of his decisions after the case had ended in his court. The acquittal was largely due to the consideration that the common law authorized the judge to treat such criticism as a contempt of court, and that there was not sufficient evidence in other respects to show that the judge had acted corruptly or maliciously. Public opinion, which had not forgotten the passions aroused by the alien and sedition laws and the partnership of judges in their enforcement, looked upon the act of Judge Peck as an attempt of the judiciary to revive the principles of these obnoxious laws and to assert common-law powers which were inconsistent with our Constitution and institutions. Congress intended by this statute to put an end to the power of any Federal court to prevent, by punishment as for contempt, criticism of judicial acts or decisions, or even mere libels on individuals concerned in the administration of justice. The statute was drawn by Mr. Buchanan, one of the managers of the impeachment, who afterwards became President. It is doubtful, to say the least of it, whether any of the eminent lawyers in the Congress which adopted this provision taken from a similar statute in Pennsylvania, had in mind anything more than to prevent the punishment, as for contempt, of exercises of the right of free speech and liberty of the press in criticizing and denouncing judicial acts. It is questionable, to say the least of it, whether Congress intended to take away from the courts the existing common-law power to punish, as for contempt, improper efforts, in the guise of published statements or comments, pending the trial of a particular case, to secure judgment therein, in obedience to the dictates of passion or prejudice, or to thrust other ulterior considerations before the tribunal, against which justice and the law seeks to guard judge and jury in the trial and decision of causes. The changes to which we have adverted in no way touch the power of the courts, under their contempt power, to deal with physical assaults upon their officers in resentment of their official acts. This power remains as at the common law, unless withdrawn by some statute of the United States. Whatever may be the power of Congress to regulate this matter as regards the Supreme Court, which is created by the Constitution, it is not doubted that it may regulate the exercise of the power by inferior courts.

Is the power to punish this "misbehavior" as a contempt taken away by any statute of the United States? The judiciary act of September 24, 1789, invested the courts of the United States with "power to punish by fine or imprisonment all contempts of authority, in any cause or hearing before the same." Of this statute the Supreme Court, in *re Savin* (131 U. S., 274; 9 Supt. Ct., 699; 33 L. Ed., 150), observed:

"The question whether a particular act constitutes a contempt, as well as the mode of proceeding against the offender, was left to be determined according to such established rules and principles of the

common law as were applicable to our situation. The act of 1831, however, materially modified that of 1789 in that it restricted the power of the courts to inflict summary punishment to certain specified cases, among which was misbehavior in the presence of the court, or misbehavior so near thereto as to obstruct the administration of justice." (Ex parte Robinson, 19 Wall., 505; 22 L. Ed., 205.)

It is as true of the later statute as of the first that the question whether a particular misbehavior "in the presence of the court or so near thereto as to obstruct the administration of justice" constitutes a contempt "is left to be determined," as before, by the court. The later statute does not in any way attempt to define a contempt, save by the definition, so far as concerns this case, that it must be "misbehavior in the presence of the court or so near thereto as to obstruct the administration of justice." Neither does the statute of March 2, 1831, "declaratory of the law concerning contempts of court," which, in its second section, creates the criminal offense "of corruptly or by threats or force obstructing or endeavoring to obstruct the due administration of justice therein," define what things amount to an obstruction to justice. So the questions of what "misbehavior in the presence of the court or so near thereto as to obstruct the administration of justice," constitutes a contempt and what constitutes an obstruction to the "administration of justice" are left, just as before, to be ascertained by the court; and if such misbehavior fall within the definition above it may still be punished summarily by the court as a contempt.

As we have seen, the chief purpose of the statute "declaratory of the law of contempts of court," approved March 2, 1831, which is now codified in section 725 of the Revised Statutes (U. S. Comp. Stat., 1901, p. 583), was to prevent the punishment, as for contempt, of what were really only the exercise of free speech and liberty of the press in criticizing judicial officers and acts and chronicling the doings of the courts. The inherent existing power which this act regulated included not only the means of doing good in other respects, but prevented acts subversive of the authority and independence of the courts, which weakened the administration of justice and brought it into scandal. In view of the beneficent purpose for which the power was used in the latter respect, we can not, in the absence of words forcing that conclusion, impute any design to Congress, in dealing with an evil exercise of the power, to destroy also the existing right to exert this power for good in upholding the purity and independence of the courts. The words do not demand such a construction, and to give them effect would deny powers very essential to courts in "the administration of justice."

It may have been thought by some that Congress, having provided the punishment of obstructions to justice in the second section of the act "Declaratory of the law of contempts of courts," now section 5399 of the Revised Statutes (U. S. Comp. Stat., 1901, p. 3656), intended that such acts should not fall within the "misbehavior" which can be summarily punished under the contempt power. The Supreme Court has held that the fact that such an offense is punishable by indictment does not "make that mode exclusive, if the offense is committed under such circumstances as to bring it within the power of the court under section 725 (U. S. Comp. Stat., 1901, p. 583), when, for instance, the offender is guilty of misbehavior in its presence, or of misbehavior so near thereto as to obstruct the administration of justice." (In *re Savin*, supra.)

In one respect the act of March 2, 1831, is broader than the judicial act of September 24, 1789. The act of 1789, in its words at least, confined the contempt power of the court "to contempts thereof" in "any case or hearing before the same." Under that act, to bring the "misbehavior" within the power of the court when it did not occur in the presence of the court the misconduct must relate to a case or hearing before the same. The case must be pending "before" the court; not a case which is no longer "before" it, in consequence of having been decided or dismissed. The first section of the act of 1831 (now section 725) omits the words "contempts thereof" in "any case or hearing before the same," found in the act of 1789, and authorizes the punishment of "contempts of their authority" in "the presence of the court, or so near thereto as to obstruct the administration of justice."

Under section 1 of the act of 1831 (now section 725 of the Revised Statutes) it is immaterial that the case is no longer "before" the court if the misbehavior concerning it is "in the presence of the court or so near thereto as to obstruct the administration of justice." It is only in this second section of the act of 1831, now constituting section 5399 of the Revised Statutes, that we find the words "therein" or "in any court of the United States," which are not contained in the first section, which regulates the contempt power only. The words "obstruct the administration of justice" are found in both sections. Why, when regulating the existing contempt power in this carefully drawn statute, did Congress in the first section, dealing with the contempt power only, use the words "obstruct the administration of justice," and then in the next section, which does not regulate the contempt power and only defines crime, avoid the use of the general term "administration of justice," or rather qualify it by preceding the term with the word "due" and following it by the word "therein," so as to read "obstruct the due administration of justice therein?" The words "obstruct the due administration of justice therein" used in a penal enactment necessarily limit the offense there denominated to cases "therein"—in the court, still "before the same"—and exclude past cases. They do not cover "misbehavior," which, though not directed to a particular case, affects all cases alike in the general administration of justice. The words "obstruct the administration of justice" in the first section, which is not penal, regarding a power to preserve the purity and independence of the courts, and thereby promote the dispensation of justice, are broad enough to include not only improper acts in particular cases, but those which undermine the general administration of justice as well.

In view of the history of this statute and its studied discrimination in the use of the words in the different sections, we can not presume that Congress, in regulating, in the first section, an existing power, the possession of which is of such vital importance to the objects for which courts are created, regarding misbehavior "so near to the court as to obstruct the administration of justice," used the term "administration of justice" in the same narrow sense in which it is employed in the subsequent section, creating an indictable offense against the administration of justice, which offense, by the use of the qualifying word "therein," is confined to misbehavior in particular cases pending in the court, and therefore does not include acts which tend to subvert the purity and independence of courts or scandalize justice unless done in relation to a particular pending case. The ruling on the indictment in this case sharply illustrates the distinction. The assault here is a blow at the fearlessness and independence of judicial officers, and scandalizes the general administration of justice; yet it could not be pun-

ished by indictment under this second section of the act of 1831 (sec. 5399 of the Revised Statutes), because it did not relate to any pending case in court—"therein."

Bearing in mind that Congress, in the present statute, liberated the power so that it may deal with contempt—"misbehavior"—with reference to past as well as pending cases, if they fall within the contingencies prescribed, and presuming, as we must, that Congress was desirous that the inherent power the courts then possessed to preserve their purity and independence in the general administration of justice should not be unduly shackled, there can be little doubt that Congress deliberately rejected the employment of the word "therein" after the words "obstruct the administration of justice." In the first section, in order to avoid striking down the power to prevent evils which attack the administration of justice itself and, by determining the security and independence of its officials, bring it under suspicion and scandalize it in the face of the people, although, as here, the misbehavior does not obstruct justice in any particular case. The assault here was clearly an offense of that character. Violence done to the judge because of the discharge of duty may undermine his independence and constrain his judgment, and affect every subsequent case which comes before his court. The judicial mind which once yields and pronounces judgment according to the dictates of force or fear is degraded and impure. It will weaken again under the same influence, and successful exertion of the influence in one case will beget other unlawful endeavors, with like results. Such a mind is not a fit source from which to seek justice in any case.

So it is that such acts become obstructions to justice, which affect judicial fearlessness and independence in every case before the court. They thus fight against justice in the particular cases, as well as in its general administration.

What is meant by the words "so near thereto," has not been defined by judicial decision. In view of the evil intended to be suppressed, they mean not the place where the "misbehavior" is committed, but the power of the "misbehavior" to harm the administration of justice. If the force put in motion by the "misbehavior" at whatever place it is committed, assails or threatens the authority and independence of the court, then the "misbehavior" is so near thereto as to be punishable under this section. (*Myers v. State*, 46 Ohio St., 473; 22 N. E., 43; 15 Am. St. Rep., 638.) In *Savin* Petitioner (131 U. S., 269; 9 Sup. Ct., 699; 33 L. Ed., 150), the matter came under discussion; but the Supreme Court declined to decide whether the words "so near thereto" as to obstruct the administration of justice" refer "only to cases of misbehavior outside of the court room, or in the vicinity of the court building, causing such open or violent disturbance of the quiet and order of the court, while in session as to actually interrupt the transaction of its business."

In that case *Savin* attempted to bribe a witness in the witnesses' room while he was waiting to be called into the court room. His offense took place out of sight and hearing of the court, though the trial in which the witness was to testify was then going on. The judge did not know what transpired at the time, yet *Savin* was held to be guilty of "misbehavior in the presence of the court." In his opinion, Justice Harlan quotes approvingly Bacon's Essay on the Judicature No. 57, where he says:

"The place of justice is a hallowed place, and therefore not only the bench, but the foot pace, and the purpise thereof, ought to be preserved against scandal and corruption."

Justice Harlan adds:

"We are of opinion that, within the meaning of the statute, the court, at least when in session, is present in every part of the place set apart for its own use, and for the use of its officers, jurors, and witnesses, and misbehavior anywhere in such a place is misbehavior in the presence of the court."

If the inanimate things which are devoted to the use of justice are hallowed in the eyes of the law, at least when the court is in session, how much more so, in principle, must be the security against assaults, because of the discharge of duty, of the person of the officer who orders and controls the administration of justice therein, no matter where he is. Is not the judge "so near" to the court that whatever unlawfully influences him unlawfully influences the court?

No useful purpose would be subserved by discussion of the distinction between the contempt in *facie curie* and constructive contempt which may be punished summarily by the court. There is a learned and instructive opinion on this subject by Judge Hammond, in *The United States v. Anonymous* (C. C., 21 Fed., 761). He says:

"It is quite clear that it is a mistake that all contempts not committed in the presence of the court are constructive only. The mere place of the occurrence may not be an absolute test of the question. It may depend on the character of the particular act in other respects besides the place where it happened. When it takes the form of an assault upon the officer, as when he was beaten and made to eat the process of the court and its seal, as in *Williams v. Johns* (2 Dickens, 477), the impediment to the even administration of justice may be quite as direct in its operation to that end, happen where it may, as if the party had ridden his horse to bar and dragged the judge from the bench and beaten him."

If the people of a distant locality, frenzied by opposition to a particular law, should band together to prevent a United States commissioner being stationed among them, and drive him away by force, the place of the occurrence would be immaterial in determining the character of the offense, no matter how far distant from the sittings of the court."

Such lawless acts would certainly not disturb the sittings of the court, or interrupt the orderly dispatch of its proceedings, yet the direct effect in law and morals would be as obstructive of justice as if the same lawless assembly had snatched prisoners from the hands of the marshal or kidnapped witnesses to prevent their going before the grand jury, or, for that matter, arrested the judge himself, when found miles away from the court-house, and detained him by force, to prevent his holding the next session of the court. No one would doubt the power to punish such acts as misbehavior "so near to the court as to obstruct the administration of justice," for they arrest or disturb the powers of the court as effectually as when done in the very presence of the court. (See *In re Brule* (D. C.), 71 Fed. Rep., 943.)

What is said as to the judge of a court applies with equal force to persons who aid it in a judicial capacity in the administration of justice. Commissioners are important officers in the administration of criminal justice. Though they do not hold courts of the United States, they perform judicial duties. The district court appoints them. It appoints them to posts of duty generally at a distance from the court. They are on duty, as regards matters pertaining to their office, though not actually engaged in holding an examination, while they remain at their posts in readiness to discharge their duties. These duties can not be

fearlessly performed if commissioners must seclude themselves in their offices. They have the right to go on the highways free from fear of molestation on account of the discharge of duty, whether past or prospective. Certainly it is of concern to the court which appoints the commissioner and the administration of that part of justice which is confided to him that he be protected from violence and intimidation as to his fidelity to his trust. This he does not have unless the court protects him against violence because of his having done his duty.

He is, we repeat, an officer of the district court and under its protection as to the discharge of duty. Whatever obstructs him or degrades him and prevents the fearless discharge of duty necessarily obstructs justice in the court of final jurisdiction, one of the first steps of which must be taken by him in the examination and holding of offenders to answer in the district or circuit court. Assaults upon him while he remains in office, because he has discharged his duties, are assaults upon a representative of the court because he has borne true allegiance to the law and the court. If the lawbreaker may attack him as a representative the court may defend him as a representative. It is true that the commissioner, as an individual, is under the protection of the State laws. Local authorities are sometimes unable to give him adequate and prompt protection. The State law takes no concern in the Federal officer as such or in protecting his authority or in preventing violence to him because he has discharged his duty. It is not an offense against the State to resist the authority of a Federal officer. The Government established by the Constitution is not dependent on State laws for means to protect its officers in the discharge of duty. The Executive may undertake this duty instead of relying on the laws or officers of the State. (In *re Neagle*, 131 U. S., 1; 10 Sup. Ct., 658; 34 L. Ed., 55.) On the same principle the court may do so in behalf of its officers. If it has any power it may lawfully exert it to that end. How far the Government may intrust the protection of its officers in that behalf to the laws of another government, which protect the officer as an individual only, is a matter of governmental policy. The fact that the laws of one government operating to shield the individual only may, in that way, furnish protection to the officer of another government may be a reason why the latter power does not pass statutes of its own to shield its officers, but it does not touch its power to do so or render it improper to rely on means of its own instead of invoking the laws of another power. (Ex parte Siebold, 100 U. S., 371; 25 L. Ed., 717.) Whatever the reason for the omission to pass statutes against the evil now under discussion, it affords no reason why the court, if it has the power, ought not to exercise its authority to protect its officers against the evil.

Mr. THURSTON. Mr. President, I have not yet exhausted the time allowed me, but my presentation of this case is at an end.

This respondent is at your bar asking that justice which in my soul I do believe will result in his acquittal and vindication. His accusers would seek to invoke a harsh and cruel justice. In the past centuries it has been typified as a marble statue, with cold, stony heart, bandaged eyes, and frowning brow. To no such justice as that do we appeal. Had I the painter's gift, I would paint a justice for humanity, a justice for a liberty-loving people, a justice for the twentieth century, that glorious age in which we live. I would paint that justice as a living, breathing, glowing woman, with rosy cheeks and gentle brow, and eyes wide open to the sufferings and sins of this imperfect world. Within her bosom there should be a human heart that beat and throbbed and thrilled with human pity, human sympathy, and with human love. Her ears, that listened to the evidence, should be attuned to the appealing voices of her children calling "mother." Her lips, that spake the law and pronounced the judgment, should be fresh from singing them lullaby songs; and the hands and arms that held the scales and wielded the sword should be accustomed to dandling little babies on her knee and holding them to her mother breast. To this human justice we do appeal.

This respondent asks no sympathy, except such as is the right of suffering mankind. He fears no foes and asks no favors of his friends. He is here believing he is right, and as such he asks you to sustain him in that contention. Sick, infirm through the suffering that has been brought upon him by this long-continued persecution, he yet has courage to stand at your bar and meet his accusers face to face.

Look at the man upon whose brow you are asked to place the stigma of dishonor.

Mark this man well. A good citizen, an upright judge, his private life has been as stainless as the driven snow. Those who have known him best have loved him most. Mark this man well. There are imprinted on the countenances of men evidences of character that he who runs may read. God writes in a legible hand all over the faces of created things. He has written modesty on the drooping petals of the violet of the valley and majesty on the snow-capped summit of the eternal hills. Under His immutable law every matured human face tells the story of the character of the man. Deeply graven in his countenance are lines that tell of early struggles against adverse conditions, of duties bravely done, of responsibilities calmly assumed. That face of his tells the story of a life that should be an emulation to the youth of this or any other land. Through his calm eyes we read the shining of a pure soul within. He has not been guilty of any known offense. His heart is pure; his conscience clear. He asks no favor and no pity; but he does ask justice. He comes to you expecting that you will give him the benefit of the evidence and the law. He

has no excuses to offer for those imperfections and failings which are the common heritage of all the human race, and calmly and fearlessly as he would ask the judgment of his God he here and now invokes the justice of the Senate.

Mr. Manager DE ARMOND. Mr. President, in concluding the argument for the managers, representing, in the solemn language employed in these impeachment proceedings, the House of Representatives and all the people of the great United States of America, I shall not endeavor to invoke justice from the far-away and stern inhospitable past. I am not willing to adopt, as the model of the justice which we ask, that beautiful figure painted in the eloquent peroration of the distinguished counsel for the respondent—the adorable matron, with pure heart palpitating with love for human kind, ready to do justice in kindness and in mercy. Let that be your model of justice, and to that spirit of justice we appeal.

I could wish that such a spirit of justice had been in the court of Judge Charles Swayne when that other man, older by ten years than Charles Swayne, with more than seventy years of his life passed, stood at the bar of that court presided over by Charles Swayne, and in mockery of justice, in contempt and defiance of law, without regard for human rights, without regard for the courtesy due to an attorney, without regard to anything which should prevail in a court, was sentenced as a common felon to a common jail, to be locked up in a felon's cell. If there had been there then such a spirit of justice, if there had been there then any spirit of justice, drawn from any age or any clime in all the wide world's history or expanse, this case would not now be pending before this court to determine whether the man, in whose heart resided no such ideal and in whose breast blossomed no such spirit of justice, shall be removed from the high office which he has disgraced.

In 1889 or 1890 Charles Swayne was lifted up that rugged mountain, which counsel so eloquently says he climbed with patience and diligence and difficulty—lifted up through the mistaken appointment of an honest President, a true patriot, a soldier, and a great lawyer. That is the way he got up the mountain; that is the way he reached the height; and now we view him upon the height, and this Senate is to determine whether he shall remain there, or shall be brought down to the level from which he ought never have been lifted, and from which by no exertion or achievement of his own could he ever have risen.

So far as these proceedings are concerned, in 1893, we find a sample of the quality, judicial and personal, of Charles Swayne, when he accepted a "courtesy" from the receiver of a railroad company, a receiver who, if not appointed by him, was under his control and direction. A courtesy! Many words are abused, and grievous at times are the burdens placed upon a beautiful and most respectable word. Courtesy, ay! A, by virtue of his judicial authority, takes possession of certain properties of B, and puts them into the custody of C, and C acts "courteously" when he gives A the use of these properties! Such courtesies! But this is a little thing, say gentlemen. It cost but very little; it amounted to but little; and it was a long time ago. It is true, these gentlemen say, that the statute of limitations can not be invoked, and yet they invoke it, or seek to invoke it.

What is the condition of that case? I will touch on it right now. Here was a piece of property in the hands of a receiver under the control of the court; and here was the judge using that property for the judge's own benefit and to save expense to the judge.

The learned counsel for the respondent says that perhaps that was not just an appropriate act; that possibly it ought not to have been done; but that it was a comparatively little thing; that the sentiment has changed greatly in the ten or twelve years which have elapsed since that happened; that there is now a sentiment abroad in the land that judges should not accept favors from great corporations; but that then, in that far-away period, eleven years ago, the sentiment had not reached that elevation, and this judge could not be expected to rise to it.

I think, Mr. President, that even farther back than eleven years ago there were judges in this land, judges whose learning and whose probity, judges whose charity and whose justice, judges whose humanity and whose manhood illustrated and ennobled the life of the judiciary in this country, and were the common honor and are the common heritage of the people of this country and the good people of the world all over, who had the idea then, even in those years of the long ago, that it is not just the thing for a judge to accept "courtesies" from those who would be asking courtesies of him and who, if he have a reciprocal spirit in him, would perhaps be securing them.

Judge Swayne was appointed judge of the northern district of Florida. The lines of that district were changed in 1894 by an act which took effect in July of that year. Judge Swayne,

at the time, lived at St. Augustine, within the district before the lines were changed, but outside the district after the lines were changed. That is a beautiful and pathetic picture of his counsel, showing how Judge Swayne had reared his household altar at St. Augustine, and how rudely and unceremoniously he was soon called upon to provide a chicken coop somewhere else—a beautiful figure and a rapid transition from the household altar to the chicken coop.

Judge Swayne was not required to do anything. The Congress, in the exercise of the power which the Constitution gave it, saw proper to change the lines of that district. That legislation placed upon Judge Swayne no compulsion to move into the new district, no compulsion to remain in the office. But a law passed a generation before Judge Swayne was born placed upon him the absolute compulsion to fix his residence in the district according to its new lines or to abandon the office.

The age of Judge Swayne has been given. He was born in 1842. Thirty years before Judge Swayne was born the Congress of the United States enacted a law, now embodied in section 551, Revised Statutes, requiring a district judge to reside in his district. The question of the enactment of such a law arose years earlier. The discussion was participated in by makers of the Constitution, as well as by contemporaries of those illustrious men. In the body which passed the law were those who had gathered in the spirit of the Constitution, not merely from the lips of those who had made it, but through participation in the making of it. The law was passed in the full belief, unchallenged by anybody, that the power rested in the Congress to pass such a law, and it was declared that a violation or disregard of that law should constitute a high misdemeanor, employing the very language of the Constitution itself.

And yet we find, thanks to the facile pen of some modern essayist, whose product is embodied in the record in this case, some unknown great man, that it is impossible for Congress to add to or take from the category of "high crimes and misdemeanors," as embodied in the Constitution in the clause relating to impeachments.

Those who lived in that early day, those who participated in the discussions that led up to that early legislation, and those who enacted that law, did not think just as this modern writer and essayist does think. This graceful writer, but, as he has demonstrated, evidently poor lawyer, confesses that he can not define, and he says nobody can define, just what was meant by the phrase "high crimes and misdemeanors;" but he insists that there was such a fixed, settled, immovable, unchangeable, ever-enduring meaning and limitation attached to and embodied in it that nothing can be added to it or taken from it; and yet he does not know what it is; he does not tell us, and he says nobody else can tell what it is.

The doctrine, aside from this authority which the respondent's counsel quoted with so much approval and endorsed so fully, the doctrine of other essayists and other commentators upon the Constitution, the doctrine of men whose names have gone into our history as illustrating it in its best phases, and as demonstrating the greatest capacity and the highest achievements of the human mind, was and is that Congress could add to what might be embraced in the term, and that the Senate of the United States, on the trial of an impeachment, was made by the Constitution itself, and ever must be, the final, authorized judge of the meaning.

Suppose that this Republic were to endure, as all of us most sincerely hope it will, for centuries and multiplied centuries, and suppose that a thousand years hence, or five thousand years hence, after agencies and forces undreamed of to-day, as those playing important parts in the drama of to-day were undreamed of a short time ago, were brought into requisition, and out of their use and development new and strange conditions, unthought of and unthinkable to-day, should arise, and that the Congress, in its enlightened wisdom, should conclude to declare this, that, or the other thing arising out of the development of these new conditions high crimes and misdemeanors. These wise commentators of the school of this essayist and their successors, if they are to have succession in a more enlightened age of the world and of the country, would say: "You can not impeach for that. You must go back into the English parliamentary law for the chart of your powers. At the adoption of the Constitution you were confined within the Englishman's definition of high crimes and misdemeanors, and confined to his catalogue of them; but what his definition was or is and what was or is embraced within his catalogue we do not know, and nobody knows. But those who framed the Constitution meant to deny and did deny to the Congress all power whatsoever to declare anything a high crime or misdemeanor which was not such when the Constitution was made."

And, if your successors should modestly say to these gentlemen, "Pray tell us, then, what are the things for which an impeachment will lie? What is comprehended within the term 'high crimes and misdemeanors?'" What, within the meaning of the Constitution, made by those short-sighted men, so long, long ago in their graves, is embodied in these words?" they would answer then, I suppose, as this wise commentator of to-day answers, "I do not know; nobody ever has said, and nobody will ever be able to say."

Drifting back to English history, counsel claim to have discovered—and it is a discovery of something which does not exist, I think; but I pass that by—that no judge in English history ever was impeached or tried on impeachment except for an offense committed in the actual discharge of the duties of a judge, sitting on the bench itself. Well, now, if that were true, what does it prove? It proves nothing—absolutely nothing.

Reflect upon it for a moment. Suppose all these trials had been with reference to some particular offense. It would be just as logical to contend that for no other offense committed upon the bench in the discharge of judicial duty would impeachment lie. How many cases must there be before this is settled? They say there have been but few, and that is true. How many are necessary to fix it that there can not be a conviction on impeachment for any other offense? There again they can not answer.

The truth of the matter is that this question of impeachment and the right and power to impeach, and the things for which officer or citizen could be impeached in Great Britain, shifted and changed with the shifting and changing judgment and legislation of the times. At one time it was supposed to be legitimate and proper, and the supposed power was exercised, to impeach and convict and remove from office and imprison for the advocacy of religious views and the propagation of religious doctrines which, at another time, were held to be the correct views and the sound doctrines relating to the subject of religion in that great realm. So it has been and so it is and so it will be.

These gentlemen ignore entirely the question as to good conduct—"during good behavior." They say that the provision for removing judges by address is not embodied in the Constitution. What do they say then? They say there is no way of removing them except in a few cases to which, they say, the constitutional provision respecting impeachment implies.

As was said by Mr. Morris, when that matter was under discussion in the Constitutional Convention, the judges ought not to be removed on the ground of lacking in good behavior, except upon a trial. What trial is provided? The kind of trial you have here now. The trial before the Senate of the United States, on impeachment by the House of Representatives. There has been embodied in that one method all the power that resides in the Government in all its branches—all the power of the people of this vast country, this great and mighty Republic—to remove from office an offending civil officer. And precisely the same provision that applies to the judges applies to all other civil officers.

The gentlemen discriminate respecting the judges. Where do they get the ground for the discrimination? It is not in the Constitution. There is nothing in the Constitution suggesting that a judge can be removed from office only for offending on the bench, and that, as to other civil officers, they may be removed for offenses off duty, or not so narrowly official.

The learned counsel for the respondent who closed the case on the other side seemed to take lightly the suggestion of Mr. Manager PALMER in the brief which he filed, and of my other colleagues who argued this case, that according to the commentators upon the Constitution, according to the spirit of the Constitution, according to the just principles of law governing impeachment, it is within the power of the House of Representatives to vote impeachment, and it is within the just and constitutional powers of the Senate to convict, for bad conduct in a judge off the bench and away even from his judicial transactions. The logical conclusion from the contention of respondent's counsel is that no matter how vile any civil officer of the Government may be, no matter how great the sum total of the individual items of his offending, so long as the offending is not on the bench or in the active, technical conduct of his office, the whole power of the Government is too weak, the arm of the House of Representatives too short, and the judgment of the Senate too puny, to reach the offender and protect the public from the vile contamination of his continued presence in office. We do not take that view of the matter.

Counsel for the respondent, it seems to me, drops into a strange contradiction with respect to the facts and the law relating to the first three articles of impeachment. He argues part of the time upon the theory that the things charged there are not

offenses, and then swinging around to another branch, he reaches the conclusion and proclaims that the charge is one of petty larceny; that this judge is charged with stealing from the Federal Treasury. As to the question whether it is petty larceny or grand larceny, I presume the amount would determine it. The amounts which it is charged and stands admitted that the respondent took from the public Treasury beyond his actual expenses is some hundreds of dollars. So, I take it, that the honorable counsel for the respondent was mistaken in characterizing this as petty larceny. And if, to accept his own characterization of it, it is larceny, either grand or petty, is it or is it not a high crime or misdemeanor? Have we reached the stage of the proceedings, following the star of this beautiful goddess of justice that the eloquent gentleman has been following in speech, where larceny is not comprehended and contained within the terms "high crimes and misdemeanors?" I hardly think so.

The eloquent gentleman says that there have been baleful influences surrounding this respondent; that out of the dark hands have reached to clutch him; claws have protruded to scratch him; influences have been brought to drag him down and degrade him. This is mysterious talk. This is going into that realm of darkness into which we have not penetrated. This is bringing before the Senate, perhaps for the effect of a fine rhetorical period, that of which there is no evidence—that of which I think there could be no evidence.

We have been conscious, Mr. President, of influences; we have been conscious of a reaching out from the dark; we have been conscious of whisperings from behind doors; we have been conscious of efforts to poison the air, to have this case tried and determined upon something else than the law and the evidence, according to the merits. But they have not been to the prejudice of, and they have not been designed to bring unjust punishment upon, the man who stands at your bar. They have been designed and employed that justice may go astray, and that the man proven guilty may stand acquit.

Immunity for the guilty is punishment for the innocent. The acquittal of Judge Swayne, if he is proven guilty, is the punishment of the people of the northern district of Florida—the people of the northern district to-day; the people who may be there in the years to come, when Judge Swayne, if you turn him loose again to prey upon them, will be their judge, and; if we may gauge his future by his past, their tyrant and oppressor.

There were two courses open to Judge Swayne and his counsel with respect to these charges. They have not taken either. The one is to deny and stand upon the denial. The other is to admit and plead whatever of excuse or extenuation they may think exists.

Take the matter of the allowance for traveling expenses. Judge Swayne is standing distinctly and positively upon the ground that he examined the law, that he studied the law, that he was acquainted with the law, that he knows the law, and that he is entitled to \$10 a day. If he is entitled to \$10 a day, he ought to be acquitted on these three charges. There is no question about that. Is he entitled to it? Why eliminate the words "not to exceed \$10 a day," in applying the law?

What meaning can you give to them if he is entitled to \$10 a day, even though he did not spend 10 cents? I should like to know what meaning is to be given to them. There is a meaning in them, and that is, the law does not give him \$10 a day. Respondent's counsel read from the debates which took place in the House of Representatives and in this august body, when there was consideration of appropriation bills in which clauses relating to these matters are to be found. Study those debates, and you will find that the men who talked understandingly upon the subject—and I say that very respectfully to everybody—proceeded upon the theory that the law was to give to the judges their actual expenses, not more.

Mr. Chandler, of New Hampshire, a Senator in this body at the time when one of the colloquies took place, largely participated in by the honorable Senator from Iowa [Mr. ALLISON] and by Senator Allen, of Nebraska, asked Senator Allen rather sharply whether he meant to intimate that there was any judge in the United States who took \$10 a day unless he actually expended it.

The Senator from Iowa, who had the bill in charge, showed very clearly and very distinctly by what he said upon that occasion what he understood the law to mean. The real question was, so far as the debate in the Senate went, as to whether there ought to be restored something like the old requirement that the judges detail their expenses. There was a disposition, and a proper one, I think—at least that prevailed in the view of the Senate and the House—not to make that requirement. But the requirement of limiting them to \$10 a day, and pro-

viding for the payment of their actual expenses, and nothing but their actual expenses, remained and remains now.

I am willing to submit this matter—the managers are willing to submit it—upon the naked question of law upon which the respondent has chosen to stand. His counsel have argued, however, that the charge has not been proven.

It is established by the evidence that this judge did not expend \$10 a day. We have proved what the traveling expenses were, if he had paid his fare, which he did not do. We have proved what his hotel bills were. We have proved the ordinary expenses, the very kind of expenses, and all the expenses that were mentioned in the debates as constituting the expenses of the judge for which this allowance, not to exceed \$10 a day, was to be made. It would have been very easy indeed, if there had been other legitimate expenses, for the respondent to have proved them, and not having proven them, it passes, it seems to me, the bounds of human reason to reach the conclusion that they existed.

But the honorable counsel proceeds further. He says it must have been known to the judge and to the district attorney, to the people in the neighborhood generally, that in a comparatively small place like Waco, Tex., and Tyler, Tex., a judge, of course, did not spend anything like \$10 a day.

He argues at one point that we have not proven that he did not spend \$10 a day, and at another point he insists not only that he did not, but that everybody must have known it. And then he says that the marshal must have known it; that the marshal ought to have passed upon the accounts of the judge. A certificate, the form of which is in the record, was furnished the judge from the Treasury Department. In the use of that certificate he certified what his expenses were. He was required to do it.

Then the marshal ought to have proceeded. I suppose, in review. The marshal ought to have organized himself into some sort of a tribunal, not provided by the law, but suggested by ingenious counsel, and said: "Judge, I believe I will swear you about this matter. I will just look into this. Before I can pass on this, although the law compels me to pay it, I will examine you and cross-examine you and see if you have not been lying about it." It is asking too much of the marshal. It is asking a little too much of anybody. The law required the judge to certify the amount of his expenses; required the marshal to pay them; required that the marshal should receive credit in the settlement of his accounts for the amount he did pay in that way.

Then how stands the matter with reference to these three articles? The law provided for giving the Judge his expenses, not to exceed \$10 a day; his expenses, not \$10 a day; his expenses, with that as the limit. If they ran beyond \$10 a day, he was not to have more than \$10 a day. The Judge certified that his expenses were \$10 a day. The marshal paid the expenses as he had to do, as the Judge certified, and got credit upon his accounts, as under the law the accounting officers are compelled to give him credit. The Judge did not spend that money. The Judge did not think he had expended that money. The Judge knew he had not expended that amount. The Judge made a false certificate, expressly forbidden in the statute. The provision is in the record. And by means of that false certificate and false statement he received \$10 a day. I would not have used the term myself, for I do not care to be harsh, or unnecessarily harsh, in this matter, but I can not express the thought more aptly than the learned counsel for the respondent did when he said that it amounted in our charge, as it amounts in fact, to larceny. If that is not impeachable, acquit because it is not.

Take the matter of residence. The respondent, in his answer, makes it very clear that he did not reside in his district for the period of at least six years. I will read that paragraph. I do not want to do any injustice to the respondent.

The respondent further says that his residence now is in Pensacola, in the northern district of Florida, and that such residence began shortly after the passage of the act of July 23, 1894, which excluded from said district St. Augustine, his previous residence, and has continued down to the present time, his local abode now being at No. 13 West La Rue street, Pensacola, where he has resided since October 1, 1903; and he says his local abode prior to October 1, 1903, and from and after October 1, 1900, was in the Simmons cottage on Belmont street, Pensacola; and that his local abode prior to October 1, 1900, and from and after the beginning of his residence in Pensacola, was at times at the Escambia Hotel and at times at the boarding house of Capt. William H. Northrop on West Gregory street in said city.

All the residence from 1894 until 1900 to which he makes a pretense in his answer is the sort of residence which every drummer has in every town he visits; which every juryman who attends a court in a county town has in that county town; which I could have in New York by going over there to-morrow and coming back the day after; the residence of the wayfarer and sojourner in the land. According to his own statement,

according to the testimony, overwhelming, undenied, and undeniable, he had no residence in the northern district of Florida for more than six years.

Now, there is no escape from that, as a matter of fact. There is no pretense that it is not true, as a matter of fact. There can be no pretense that it is not true, as a matter of fact. The law, plain and distinct as any law can be, a law more than ninety years old, provides that a judge must reside in his district, and that if he does not he is guilty of a "high misdemeanor."

Then, in asking for the removal of this judge from office, are we invoking stern justice from some dark age? Are we invoking justice with eyes blinded and heart filled with malice and brain clouded, or are we invoking the justice of this magnificent age in the world's progress; the justice of enlightenment, the justice of knowledge, the justice that will not lose sight of the people of a great district, in order to shield from his just deserts the man who has been their oppressor?

Now, as to the wisdom of this law, it is not necessary for me to argue. The wisdom of it, the propriety of it, the wholesomeness of it, it seems to me, every man ought to concede. But there it is: the law. While you can not remove a judge except by this power of impeachment, while he is anchored beyond the reach of all the storms that beat and all the waves that roll, and can not be removed except by the action of this body, after suitable action by the House of Representatives—while that is true, there is nothing in the Constitution that prevents a judge from vacating his office. Judge Swayne could have quit the office. Judge Swayne could have resented this "outrage" perpetrated upon him, as is suggested in a vague way by his counsel, when the lines of his district were changed. Judge Swayne could have thrown up the office and resumed that work which, according to counsel, he accomplished so magnificently, of climbing up and up the steep mountain, until again he might have been upon the pinnacle of it.

But he did not do it; and not having done it, I put it to the Senate straight and plain, Judge Swayne not having lived in the district for six long years, having violated and despised and spat upon the law, is it not asking a good deal of you to ask you to acquit him?

On what ground shall you acquit him? If you do acquit him of that charge, will you say that this law, which was passed by the men who served in this great body before you did, long years ago and generations ago, and who served in the other great body, whose representatives we are temporarily in this proceeding, is to have no binding effect upon you—that it amounts to nothing, that it has merely been permitted to slumber upon the statute books through these generations, finally to be drawn up and in the most solemn manner, in the greatest legislative body upon earth, declared worthless and of no binding effect? Are you going to declare that? You are asked to do it when you are asked to acquit upon this charge. Are you going to declare that against evidence undeniable and undenied, against open and direct evidence of nonresidence, not casual, not accidental, but prolonged, predetermined, continuous, respondent is secure—are you going to declare that?

You were told in an ingenious argument by one of the eminent counsel for the respondent that this provision of the law does not require Judge Swayne's family to live at the place of his residence, and because of that he need not have in his district a "coop" and thus be prepared to gather in the "chickens." These chickens were scattered far and wide over the face of the earth. The flock was not so very large—three of them. One, according to his own testimony, left home and went to college in 1891, and immediately after his graduation married and set up a family altar of his own. Another, a few years later, left home to attend college. That accounts for the two boys. They had found a coop somewhere else. There is nothing said about the wife and the daughter, but what a desperate undertaking that must have been to find a residence somewhere in all that great land of flowers, in all that land of oranges, where the breezes are supposed to be laden with odors from spice groves, and where eternal summer is supposed to abide.

In the difficulty of finding a residence with a parlor 40 feet wide and long and no pillars appeared a plain omission in the statute. The statute should require the judge to live in his district, provided he can find in it a parlor to suit him, but if he does not, the law shall not apply.

But, Mr. President and gentlemen of the great Senate of the United States, it seems to me it is a waste of time to argue longer upon this proposition. We have made, and the respondent admits that we have made, with respect to this article, our case complete. It is now with you to say whether you will enforce the law, or whether against the law and the fact you will turn this man loose, a judge in title and power.

The Davis and Belden case naturally comes in for some com-

ment. Let us look over the history of that case for a few moments. It seems that there had been pending from time to time in the State courts, and to some extent in the United States courts, litigation about a valuable tract of land in the city of Pensacola, this city where the Judge could not find a home in six years. A suit was brought in the name of Florida McGuire as plaintiff against certain parties for about 265 or 270 acres of land in that city. That suit was pending in the court over which Judge Swayne presided. Along in the summer of 1901 Judge Swayne negotiated with an agent representing the alleged owner for the purchase of a portion of that land, known as "block 91."

At the time he went out to view the land, and when the negotiations were in progress, and when the deal was made, Judge Swayne said to the agent of the other party: "If I buy this it will disqualify me from sitting in the trial of the Florida McGuire case." Did he say that, in substance, or did he not say it? Mr. Hooten, the agent, swore positively that he did, and nobody denies it. With the ready facility which counsel for the respondent have shown for finding perjurers here, there, and everywhere, are you going to sweep this man off his feet, and sweep his testimony out of the record, on the ground that he, too, is a perjurer? I take it you will not. I take it that the ordinary instincts of decent humanity revolt at branding a man as a perjurer when there is nothing inconsistent in the story he tells, and when, with ample opportunity at command to contradict it, there is no denial of it. I take it as a fact, and I am warranted in taking it as a fact, because it is proved and its correctness is not questioned.

Now then, in the summer of 1901, Judge Swayne, knowing that block 91 was embraced in the tract of land for which suit had been brought in his court by Florida McGuire, against a number of defendants, deliberately made a contract for the purchase of that lot. If time were abundant one might pause for a moment to comment upon that performance. Here is a judge for life, with at least a reasonable salary, in a court which has not much business. Here is a case involving a million dollars' worth of property, a considerable thing in a community like that of Pensacola, I take it, with a judge deliberately bargaining with the agents, one of whom is a party in that suit, a party defendant, for the purchase of a piece of land alleged to belong to another party defendant, doing it with his eyes open and saying, "If I buy this it will render me incompetent to try the case, and there will have to be another judge called in." Now, I think there are judges, I hope there are, who would not engage in negotiations about the subject-matter of litigation in their courts. Judge Swayne did.

The plaintiffs in that case heard of the transaction, and Mr. Paquet and Mr. Belden, who were the plaintiff's counsel wrote to Judge Swayne, calling his attention to the fact that they had heard of his dealing for a portion of this property, and asking him to recuse himself that Judge Pardee, the circuit judge in that circuit, might send in some disinterested judge to try the case. Mr. Belden says that letter was written in August. At all events it was written a considerable time before the court met. There was no answer to the letter, no suggestion to Judge Pardee to send in a judge who had not been dealing for the property, the purchase of which, according to Judge Swayne himself, would disqualify him from sitting in the case.

Court time arrived, and then arrived Judge Swayne, the alien. He did not live there. The stranger judge dropped in as a drummer might drop in to attend to particular business on his rounds. Judge Swayne dropped in and opened court. On the first day, it is said, he made a statement in regard to this matter. He said that a quitclaim deed had been sent to him; that he would not take a quitclaim deed; that the whole matter had dropped and he did not have any interest; that the negotiation had been by a member of his family. Later on the Judge disclosed that the member of his family with whom the deal was made was his wife.

Criminal business went on and Saturday night approached. The case of Florida McGuire against the Pensacola City Company and others was called. The attorneys for the defendant were ready, but the attorneys for the plaintiff were not. The case had not been set down for trial. There is no dispute about that. Everybody who testifies about it asserts that. It had not been set down for trial for any particular day. The parties were expecting to try it and expecting to get ready to try it. It is testified by Mr. Marsh, the clerk, that it was the custom of the court to set cases down for trial upon a particular day when the parties agreed to it, providing so doing did not lead to detaining the jury an unreasonable length of time. I think that almost any lawyer will conclude that when a case is not set down for trial for a particular day nobody is authorized to summon witnesses for a particular day, and that if any party

does summon witnesses for a day before the time when the case is taken up for trial, upon consideration of the taxing of costs he himself will have to pay for the attendance of those witnesses.

Now, there was nothing unreasonable in asking that that case be set down for trial at a time to which the plaintiffs could summon their witnesses. The plaintiffs were not authorized to summon their witnesses. They had no right to summon them to any particular day, and they knew not to what day to summon them. That stands admitted and is beyond the possibility of dispute. They asked that the case be set down for trial upon the ensuing Thursday. The defendant's attorney objected. The Judge announced that the case had to go to trial on Monday morning unless continued for cause. Now, the plaintiffs asked no continuance. They asked simply a postponement. There was no suggestion that Thursday was too far off; that Tuesday or Wednesday might answer equally well. "Monday morning try or continue;" that was the ultimatum of the judge. The attorneys after the adjournment of the court concluded to dismiss the case.

Now, counsel for respondent raises a question about that, and says that hearing on Sunday that there would be contempt proceedings against them they then concluded to dismiss the case. That is a gratuitous statement, entirely gratuitous, for there is not an atom of testimony, not an intimation in the evidence upon which that statement could be rested. The evidence contradicted is that they decided Saturday evening after the adjournment of the court to dismiss that case. I challenge anybody to find in the record any contradiction of that.

They decided also, after deciding to dismiss the case, to bring a suit against Charles Swayne in the State court of Escambia County, being the county in which the city of Pensacola is situated; and then began, in the estimation of Judge Swayne, their great sinning. They did bring the suit. They had the clerk looked up, had the proper papers issued, and Charles Swayne summoned that night. There is the commencement of the great offending.

But, who were the attorneys in this Florida McGuire case in the Federal court? Counsel say it is very evident that Davis was an attorney; he was seen counseling with Paquet, seen counseling with Belden, seen around about there, and had no other business in court; that it is very evident indeed that Davis was an attorney. Was he or was he not? He swore that he was not. Belden swore that he was not. Pryor, the man who employed the attorneys and had the management of that matter for the plaintiff, swore that he was not. And who swears that he was? Why, Marsh guesses from appearances that he was an attorney, and Blount presumes to assume or to guess from appearances that he was an attorney in the case.

Now, let us go a little further in that. I appeal to your common intelligence and your common experience in life to say as an absolute fact, as a conclusion as to the correctness of which there can be no doubt, that he was not an attorney. Davis was a young man and a young lawyer. He had lived in that city about a year. He was a stranger in a strange community, presumably with a comparatively small practice—with no practice in that court at that time. On Sunday morning Paquet, getting a telegram calling him home on account of the sickness of some member of his family, asked Mr. Davis to appear for him and have the case of Florida McGuire against the Pensacola City Company and others, in Judge Swayne's court, dismissed.

Promptly Monday morning, upon the opening of court, Davis had himself noted upon the docket as one of the attorneys. Davis, an attorney all through the week, a stranger in a strange city, a young man with comparatively small practice, concealed the fact that he was an attorney, kept everybody from knowing it, not allowing himself to get the benefit of the advertisement which would come from the noting of his name upon the docket as one of the attorneys in this million-dollar suit!

And then fearful, frightened on account of these contempt proceedings, on Sunday they decided to dismiss this case, says the eloquent counsel for the respondent. Yet affrighted because they were going to be proceeded against in the court of this kindly judge, Davis rushes in Monday morning and connects himself with the case with which he had no connection before. A remarkable lot of things must have transpired. Human nature must have been running in strange channels in a good many people there besides Judge Swayne, if these things can be true. If they are not true, Davis was not an attorney. The testimony shows that he was not an attorney until months afterwards, when the Florida McGuire case was brought again in Judge Swayne's court. So much for that branch of it.

Mr. William A. Blount says he would go to Paquet and talk to Paquet about when they probably would reach their case. The very fact that he did talk to him about when it would be

reached shows conclusively, even beyond his own story, that there could be no sense in any man subpoenaing witnesses for a particular day. When he would go and talk to Paquet, Davis, he says, would be there consulting Paquet; and then when he was asked about what Davis said he could not recollect a thing. When he was asked about what Paquet said he could not recollect a thing.

This William A. Blount, we understand from the counsel for the respondent, is an honor to the profession and a glory to the Southland, a land that has been prolific, as counsel truly says, in the production of lawyers and statesmen and warriors, of men good and brave and true; and at the head and front of all, as the ages march along, is to be placed this William A. Blount. Let us have William A. Blount stand out here in the presence of the Senate and in the presence of the country, as he stood out when he was upon the witness stand. Let us have him appear as he actually appeared, and not as counsel would have him appear.

He was asked, not by a manager—for swearing on the other side he might have a certain degree of resentment toward the manager or a certain disposition to shield or guard himself against the question—but asked by one of the honorable members of your own body, to state whether Judge Swayne, when he sentenced Belden and Davis, showed anger or resentment. He could not answer that without giving his opinion! Do you believe that is true? If you are observing a man, can you tell whether he shows anger or resentment? It was not a question as to whether the Judge ought to show anger or resentment; it was not a question as to whether if he did show any he showed too much; but did he show anger or resentment in pronouncing this sentence? He can not answer that unless he gives his opinion. Of course, objection was made to giving his opinions, because he had been giving his opinion by his action in that contempt proceeding. But later on he manages to get in his opinion, and he says that, according to his opinion, the Judge was not any more severe than he should be.

He was asked again, by another Senator, at another time, whether or not, when he took this office of "attorney for the court," and that is most aptly phrased in this particular case, for attorney for the court he was—he was asked by another Senator whether, when he took this office as attorney for the court in these proceedings, he inaugurated this contempt proceeding in order to vindicate the bar or to protect the bar and the court, or whether he did it because he was a defendant and counsel for other defendants in the Florida McGuire case. Then this magnificent leader of southern thought, this splendid representative of southern chivalry, as the gentleman would have us understand, showed considerable resentment. What did he say about it? He said, if he knew himself he thought he did it to protect the bar by having them punished. Then he goes on to say that he did not fear them. No, sir; he did not fear these three lawyers; that if he had been selecting attorneys to oppose him his choice would have fallen upon the three. That was not responsive to anything asked him, not explanatory of anything involved in the question or in the real answer to the question, but vastly explanatory of the feeling, of the animus, of the bitterness and hatred of this exemplary man, Mr. William A. Blount.

At another stage of the proceedings, and not in answer to any question, but as a volunteer statement, born of his spleen and hatred and his desire to shield and protect the Judge against harm for venting the Judge's spleen and his spleen, he said he had won all the other cases and he certainly expected to win this. I suppose he was opposed to a discontinuance or a dismissal. He said, referring back as well as he could to his state of mind at that time, that he was rather inclined to believe that he preferred to have them try it, that he had won all the other cases relating to the same matter and he expected to win this.

Of course, I can not go into a comparison of the relative merits of the lawyers who have figured in this case, and it is not material to the issue now before the Senate, upon which the Senate is to pass, whether this William A. Blount is a great and a good man and a great and good lawyer, or whether he is not. But if I wished or hoped to stand in history as a good man or a great lawyer, I would pray the good God above me to preserve and keep me from ever furnishing such evidence of my goodness or my greatness as William A. Blount furnished when he was upon the stand as a witness.

Look at the unseemly character of that whole proceeding. Who is Blount? A party largely interested in this litigation, counsel for other parties in this litigation, summoned by Judge Swayne over the telephone on Sunday to consult about the matter of the bringing of this State court suit, who said to the

Judge that it savored to him of contempt. Of course it savored to him of contempt!

But before we go to that let us look at the conduct of the Judge in refusing to recuse himself. That has not been commented upon very much. There are men here who were judges before they were Senators and others who were lawyers before they came to the Senate, and who are lawyers and judges still. You are all judges here now in this proceeding, whether you be of the legal profession or of any other calling in life. I ask what one of you, proud of his honor and standing as a man, proud of his reputation, careful to guard against the imputation of dishonor—what one of you, after having dealt with a subject-matter of litigation, even without objection by either party, much more on request by either party to stand aside, would have taken the bench, where justice ought to be administered impartially, where there ought to be neither fear nor favor, where the scales of justice ought to be held with a steady hand? What one of you would take the bench in litigation of vast moment to many people, and would pass upon the matters that you had passed upon tentatively, at least, in your negotiations for a portion of the subject-matter of the litigation?

In the very nature of things, Judge Swayne must have known and did know something about the title to that tract of land. He had been negotiating for the purchase of that land from Edgar, who was a defendant in that Florida McGuire suit, although he had not been summoned, it is true. Judge Swayne had determined that he would take the title that Edgar had, the very title he was to pass upon if he remained upon that bench, the very title in question in that litigation—he had determined that he would take it; and the only reason he did not take the property and receive the deed was because Edgar did not make a warranty deed instead of a quitclaim deed.

Now, then, in decency, man with man, according to the ethics of the profession, according to the principles of honor and manhood which prevail in all decent ranks of society, ought not this judge to have stepped aside, and gladly stepped aside? Was there anything asked of him except what he ought to have done? Should he not have stepped aside without being asked to do it? Why did he not step aside? I can not answer entirely.

Why were the defendants so particularly anxious, so extremely anxious, to have him try the case—a man who had already tried it off the bench, by determining to his satisfaction that the title of the defendant was good enough for him, with a warranty deed—why was this good William A. Blount not willing to have another judge come in? Did he suppose that the other judge would not bring to the bench the deep and profound learning with which the usual occupant graced it? Did he suppose that the other judge would come ignorant of the law, while this judge was learned? Did he suppose that the other judge would lean to the other side, coming in a stranger, knowing nothing about the litigation, having no association with the litigants, not depending upon any of them, not calling upon any of them to do anything for him? No! It stands out clear as sunlight; it stands out as distinct as a peak of our great mountain range in the rare air of the far West, that the defendants desired this judge to pass upon the title which he had already passed upon. Aye, they could win cases with that kind of judges upon the bench; they could get decisions from a judge who had already decided in their favor!

It is in evidence here that their decisions were obtained from State judges disqualified by relationship to the parties in the suit—brothers-in-law and other relatives. With that kind of judges, in that sort of courts, this ill-mannered, gratuitous boast of this great William A. Blount might with safety be made, that he had won all the suits before, and he did not fear these people.

If I were to institute a comparison—it is not necessary to do it—but if I were called upon to institute a comparison between this William A. Blount and old General Belden—and I know absolutely nothing about either of them, except that which I have seen and learned since this impeachment proceeding began—I do not know that I should at once prefer Belden of all the attorneys that could be selected to represent the side of an antagonist. I do not know. It seems to me that in his bearing he showed as much of the gentleman; he showed as much of innate breeding; he showed as much of acquired polish; he showed as much knowledge of the law, and as much readiness to answer questions fairly, coolly, calmly, and dispassionately, as this mighty antagonist who had selected him for pulverization in the court of Judge Swayne. He could have selected anybody for pulverization there. That is not as rash a statement after all, perhaps, as at first blush it might appear to be.

There might have been selected for the plaintiff three of the

greatest lawyers in the United States, but with Blount upon the side of the opposing party and Swayne upon the bench it might not be so rash, after all, to say that another victory—a victory of the old kind, from disqualified and biased and prejudiced judges—might reasonably be expected, and might smilingly and pleasantly be predicted.

I do not know what the animus of Mr. Blount is. I do not know whether it is deep interest in this case or whether he is one of that kind of beings who sits upon a throne of his own erection, the pillars of which are his own imagination, and allows not any other pretender to knowledge of the law to approach except with bowed head and a pan of ashes. I do not know.

It may be it is political bias and prejudice; it may be that this State senator of Florida, seeing an opportunity of crushing Belden, a man who had chosen to adhere in storm and sunshine, under the southern skies, down where the magnolia blooms, to the party of his choice, although it was not the party of the majority—it may be that he could not resist a mean instinct, possibly of a mean nature—I do not know how that is—to crush this man, to humiliate him, to disgrace him, by making him lay his aged head and his weary frame within the narrow limits of a cell, from which probably a vile felon had just emerged, and into which another vile felon, perhaps, would go when he vacated it. I do not know. It looks as though the effort was to crush out anybody that chose to push this claim of the Caro or Rivas heirs; it looks as though there was a combination to destroy anybody that interfered with the triumph of this man who had triumphed so often, this man who vaunts himself and is vaunted here as so great a lawyer.

It has been my observation in the slight experience I have had at the bar and in the courts, that the great lawyer resorts to no such means; that the great lawyer rejoices, like the gladiator, in the manly contest in the open forum; that he admires the ability and learning of his opponent; that he presses his case by the power of learning and the force of intellect for all that it is worth, and that he leaves to the shyster who haunts courts where drunks, toughs, and vagrants are gathered before the police judge, to pursue a different course.

These gentlemen, Paquet and Belden, concluded to dismiss that case in the Federal court, and they brought suit against Swayne. Did they have a right to bring it? The statute of Florida, which I had read here and which is in the record, distinctly and plainly provides for such a suit as that brought against Swayne. The case that was brought anew in Swayne's court was an ejectment case. The testimony here is that a large part of that land was vacant, and the suit was against a number of defendants.

Under the Florida statute, when an ejectment suit is brought, the plea of "not guilty" puts the whole matter in issue. If you choose to raise the question of possession, it is done by a special plea. Why a special plea to raise the question of possession if an ejectment suit can not be regularly brought in a case of this kind? The learned lawyer from Pensacola, who was lawyer and client and friend of the court and persecutor of his brother attorneys, did not in his exposition of law or of fact inject as his opinion, even out of order, any notion to the effect that that sort of a suit could not be brought and could not be maintained under the Florida statute.

Belden says that he believed the suit could be brought and could be maintained. They wanted to try it out and determine Swayne's interest. Respondent's counsel say that suing Charles Swayne was virtually calling Judge Swayne a liar. That is the statement. Rude and harsh it may have been, questioning whether the Judge had told precisely the unvarnished truth. As a matter of fact, by the Judge's own statement, the Judge himself proves that he did not tell it, and does not tell it, in regard to these matters.

Take the statement that he finally spread on the record on the 11th day of November, 1901, when these contempt proceedings were begun. There is not an atom of truth in it. According to the testimony and according to other statements the deed was not sent to him; he did not break off the transaction on account of finding out that the land was involved in this litigation, because he knew it before, and he dealt with it expressly knowing it.

Suppose these lawyers did have some question as to whether the statement of the Judge was exactly accurate; suppose they thought there might be some meaning in the concluding lines of this letter of the agent to the Judge, "We will take it up with you when you return to your home"—it seems finally, according to the idea of the agent, that Judge Swayne had a home there in 1901, after being an alien and a wanderer for six or seven years—they would take it up with him then. I do not know whether or not it was taken up afterwards.

But what an offense to the Judge it would be to try to force him to recuse himself, to get him out of the case, which the testimony shows beyond the possibility of a doubt the attorneys had already determined to dismiss! To crowd Judge Swayne out of the case would touch the tender sensibilities of Judge Swayne, appeal to the pride of this judge who had none, appeal to sensibility where none existed, appeal to a regard for the proprieties where there was an absence of it. There was no danger of anything of that kind happening. But the suit was brought again the following January or February, and by and by it was tried. Counsel for the plaintiff appeared before the judge and filed a petition asking him to recuse himself, to step off the bench, and asking him to permit them to introduce testimony in support of their petition. He did not do it, and he would not do it. But after he disposed of the matter, after they were out of court, after they had no opportunity for hearing, he spread upon his own record an ex parte affidavit which he had himself procured of somebody to support what he must have felt was insupportable and otherwise unsupported.

Talk about getting that kind of a man off the bench! If Blount had allowed Judge Swayne to go off the bench he would have taken the chances of breaking this magnificent record to which he expected to add another victory—taking chances upon a judge not under his thumb, not under his influence, not a judge whose dirty work, as Mr. Manager PALMER so fittingly said, he was called upon to do, and willingly did.

If this prosecution for contempt was to take place, what propriety was there in calling upon these parties and these attorneys in the case of Florida McGuire to institute and carry it forward? What propriety in it, what decency in it, in a judge or in an attorney? Think a moment about it. Is that what any one of you would have done upon the bench? Would you not openly and in a manly way have made your own statement from the bench if you had seen proper to do it, or would you not have called in the district attorney, or some other attorney of high standing and totally disconnected with the entire proceeding?

Would you not have felt that your own reputation for fairness, your own standing for decency as a judge, would be impaired if you did not do it? Would you not have done it? Who but Judge Swayne would not have done it? What other judge would have been so lost to a sense of propriety, so callous as not to have called in some disinterested party? Where in all that southland, of which the people who live in it have just reason to be proud, and of which the people of the country have just reason to be proud—where in all that southland could have been found two other attorneys and parties who would have lent themselves as "attorneys of the court" in the prosecution of this contempt proceeding?

The counsel for the respondent asked for no pity, and asked for no mercy for his client. He says all he wants is simple justice, and he paints a beautiful picture—which would be far more real if the original were not present—of the benignant countenance, the kindly ways, the clear beaming eye, the purity of purpose, and the loftiness of intention of that client of his. But that party was not around in the business of mercy or of pity or of justice when Belden and Davis were brought up.

Now, I say, first, that the judge ought to have recused himself; that fairness required it; that decency required it; that regard for judicial ethics, as it seems to me, required it; that asking him to do so was proper, and refusing to do so was grossly improper. Next, that there was a complete right to sue him. He had no right to find fault with it. It could not have taken him off the bench, because he demonstrated that nothing could take him off the bench. Nothing but this Senate can take him off the bench.

Protect the dignity of the court! How? By arresting those who sue the judge and putting them into jail with common felons. Thus protect the dignity of the court! Is that the way the dignity of courts is protected? What, after all, is the protection about judges, about courts, about you, gentlemen, and about all of us? Far beyond the strong arm of the law, far beyond the terms of any statute, is the shield and the protection of the respect of the community in which you may live—the shield and protection which upright conduct throws around the man whose crown and whose glory such conduct is.

Protect a court by resorting to the methods of a tyrant! Protect a court by striking down people in their dearest rights! Protect a court by violating the right of the citizen to liberty and to have a fair trial! So I say with regard to these men themselves who were the attorneys in the case, with regard to when they were employed, with regard to the bringing of this suit, with regard to everything about it, there is nothing to reflect upon the court except what the court itself did, and there

is nothing which these men did which they had not a right to do.

Under the statute of 1831, section 725 of the Revised Statutes, even if you conclude that what the attorneys did was wrong—I do not care how bad you think their action was, though I think it was justifiable and right—but taking the opposite view, if you choose, I say that under the statute of 1831 there was absolutely no power in the court to summarily punish Davis and Belden for contempt.

Was their conduct misbehavior in the presence of the court or so near thereto as to disturb the administration of justice? That is defined by Judge Baldwin, although it needs no definition, and by other able jurists, as meaning such disturbance as would arise from noise or disorderly conduct, such a disturbance as might arise in this Chamber by some one making a noise or by people getting into an affray. It might be a case of disturbance outside, there [indicating] or there [indicating], a disturbance that interferes with the business of this court in the administration of justice here. Was there that? Certainly not. It is an insult to human reason to pretend that there was; and yet that seems to be what they proceeded upon, so far as they proceeded upon anything.

The next clause is as to the misconduct of officers of the court in their official transactions. What was the official transaction of Davis or Belden on account of which they were punished? What official transaction? Perhaps it is not a wise rule, but it is a rule in a good many States, that an attorney from a neighboring State, no matter how eminent or how long in practice or how well known generally, can not practice in that particular State unless he undergoes examination and is regularly admitted to the bar, as a neophyte may be.

Suppose that had been the case in Florida—I do not know whether it is or not—suppose it had been, and these gentlemen had gone to the Florida court to bring their suit, and said that they proposed to file their petition in court, and the Judge had asked, "Are you gentlemen members of the bar of Florida?" Suppose they had said, "No, your honor, we are not members of the bar of Florida; we are members of the bar of the northern district of Florida, that great United States district court presided over by his honor, Judge Swayne, and in the exercise of our functions as officers of that court and as an official transaction by the officers of that court, we demand the right to file this paper and proceed in this suit." I suppose they would have gone on with it, would they? Davis and Belden brought the suit as officers of the court of Florida, and not as officers of the court over which Judge Swayne presided. It was not in any sense an official transaction of officers of Swayne's court. I defy anybody to point out anything they did in regard to the bringing of that suit that was done by an officer of the court of the northern district of Florida.

The circumstance that a man is a member of the bar of the United States court of the northern district of Florida and a member also of the Florida bar, does not make every act done in one court an official act of an attorney of the other court; it does not make any act done in one court the official act of the attorney of the other court. As attorneys of the circuit court of Escambia County, Fla., they had whatever official transactions they had at all in and about the bringing of that suit against Swayne.

But, so far as the testimony appears to go, the real cause of that complaint was the publication of a newspaper article. That newspaper article, as has been shown by the testimony—and it was shown by the testimony that it was known to the judge then and there—was prepared by Paquet. Davis and Belden had nothing to do with it and knew nothing about it. But, say counsel for the respondent, they had opportunity to get witnesses; they did not ask for a continuance, and they could have had more time. I think they could not have had. I think the kind judge was itching to have them hurried off to jail.

But waiving that question, there is evidence—and there is no doubt about it, for witnesses upon both sides have testified to it, and nobody contradicts the testimony—which showed that Fryor carried to a newspaper office an article which was shown to be in the handwriting of Paquet; that that article was published, and that that article announced the beginning of a suit against Judge Charles Swayne in the circuit court of Escambia County, Fla. That is what that showed. There is no evidence that Davis or Belden did anything which constitutes any contempt; there is no evidence that they violated any part or parcel of this law under which only the Judge could act.

Then there was an illegal sentence passed upon them—both fine and imprisonment, and at first disbarment also. With the statute book lying there for the Judge to look at he did not even look at the law. Marsh says it was at hand. What difference about the law? There was no waste of time to look

into the statutes; away with them, away with them to a cell in the old jail!

Now, in the O'Neal case it is shown that the law was directly, as it was also in the other case—because Mr. Davis called attention to it—that the law was directly called to the attention of the judge, and the decisions of the courts construing it and declaring it were read to him; and with knowledge, with the facts forced upon him, with the law there and the facts there, he deliberately, willfully, wickedly, and meanly violated the law again as he did before.

O'Neal committed no contempt of court; but whether he committed any offense or not was a matter to be tried elsewhere, in another proceeding. He committed no contempt of court; he obstructed no officer; he refused obedience to no mandate or order or decree of the court. He did not disturb the court; he was no officer of the court and could not have done anything in his official transactions as such. He got into a quarrel and into a fight with a trustee in bankruptcy; but, ah! the bankrupt courts are always open! A court of bankruptcy is eternally open like the doors of a celebrated temple, open all the time; and therefore it was contempt of court, because there was an interference with the administration of justice in that bankrupt court, which was always open! I would insult the intelligence of the Senate if I were to argue a proposition so manifestly absurd.

There was no contempt of the court in any particular in this matter and the judge tried it—I was about to say as a justice of the peace would have tried it, but if there is any justice of the peace within hearing I certainly should beg pardon of him and except him from the general statement—he tried it as a matter of assault; he tried it upon the credibility of the witnesses, with no question of reasonable doubt, with no mercy.

Ah, this judge had no respect for struggling youth and no pity for age in its affliction. If you remove him from office, what wrong could you do? None. If you leave him in office, what wrongs do you not inflict upon the people who must suffer from his maladministration of office? You can not tell. I can not tell. The God of omniscience only can know. A weak, vain, vicious, judge; a cruel, vengeful, unrelenting judge; a judge not broad enough to comprehend justice; a judge not well enough disposed to try to learn what the law is; a judge not intending to do justice! Ah, Mr. President, must it be made a terror to men to do anything or fail to do anything contrary to the wishes of this august judge!

There can be done in this Senate that which will be of vast worth to the nation, vast worth to the judiciary of the land, vast worth to the people of that Florida district, vast honor and vast glory to the membership of this great body; and there can be done that which will be precisely the reverse, as I see it. No wrong will be done to this Judge in removing him from office. If you choose not to disqualify him for other office of trust or honor, let him have his chance. I care nothing about that. But the people of that district, the long-suffering, injured people, are calling loud for his removal. They are looking intently to this body now; they are hoping and praying that here that justice, denied so long and so often, may find its expression in the judgment of this great court. Those who made the Constitution made this the greatest court in the land, the greatest court in all the wide world, and nothing but itself can ever make it less. The court that tries courts; the judge of judges.

There is no escape from these tyrannies except by coming here. Impeachments are not things of everyday occurrence. They do not come up lightly. They come only perhaps once in a generation. In this body now, if I am not in error, there are three Senators, well known to the country for their long services in this body, who have heretofore participated in impeachment trials—one in the impeachment trial of Andrew Johnson, President of the United States, in 1868, and two of them in the impeachment trial of General Belknap, some years later. It may be that an impeachment case will not again come before this great body when any of the Members who now honor and grace it and add to the glory of the nation will be a Member of it. It may be that even the youngest of you will have been gathered to his fathers before another solemn trial like this is held in this great Chamber.

There is no danger that by your judgment of removal you will precipitate an avalanche of impeachments, but there is danger that by a failure to remove when there is complete proof that there ought to be removal, as it seems to me and seems to us, you will add to the tyranny of judges. You will give the weak judge license. An opinion was read here from a court in Alabama that has not a line of law in it, not a line of which can be supported according to the authorities that are authorities. You will give license to lawless judges to prey upon a defenseless community, under the sanction of law.

Out of the experience and the discussion of the Peck case

came this act of 1831; an act ripe with age; an act that has stood the test of time; an act that no man sought to sweep away until this trial came up and its exigencies demanded its elimination. Out of that great trial, in which veritable giants participated, came this law.

Then it was claimed upon one side that the power of the court over punishment for contempts was unlimited; the judge was the judge, and what he did was the law. He had the power and the right to do what seemed to him proper to do for the protection of his court. In order to define what contempts could be punished in a summary way, denying to the accused the trial, guaranteed by the Constitution, before a jury of his peers, denying to him the opportunity for fair, honorable legal defense, they sought by the act of 1831, which all the wisdom of the succeeding years has not thought it proper to amend, to define and prescribe and circumscribe this law with relation to contempt; and there it is, and there it ought to be.

Whoever violates the lawful order, decree, judgment, or command of a court may be punished under that statute summarily.

Whatever officer of the court in his official transactions is guilty of misbehavior may be so punished by the court; whoever by boisterous and disorderly conduct or noise or confusion disturbs the court, either in its actual presence or so near thereto as to interfere with the administration of justice, may be punished in this summary way. But for all else, for everything else, the jury trial, ingrained, embedded, enduring as time, enduring almost as eternity in the jurisprudence of the English-speaking people, shall be preserved to the citizen, the greatest and the humblest, the most powerful and the weakest.

Gentlemen, you are passing now upon a matter of vast importance not only with reference to these particular people especially interested, the thousands who dwell in that land of flowers; not only of importance with respect to this judge, but of vast importance with respect to the country, and important with respect to yourselves.

Human nature is so constituted and the human mind so operates that in judging another one judges himself. The judgment which you shall pronounce in this case will be not only a judgment as between the people of the United States, appearing without malice and without heat, by their representatives, discharging a great constitutional duty, upon the one side, and Charles Swayne upon the other, but it will also be a judgment upon yourselves and upon each one of you individually. A crime proven and condoned is a crime shared!

We have nothing of malice against this man, a stranger to us; in his range of duties, in his field of operations far removed from that in which we are concerned. But as citizens of this great Republic, as representatives for the time being of the people of the United States, speaking with the voice of the House of Representatives, we have the right to demand, we do demand, that this highest court in the land, this court made and appointed for just such a purpose as this, shall pronounce upon that man the judgment which he deserves—removal from his office. Then will the judiciary be vindicated; then will the judiciary like a beautiful tree increase in vigor and beauty with the lopping off of a dead limb. Then will the symmetry of the judicial establishment be greater than before. Then will the blots and stains be rubbed out and wiped away.

Acquit, and men may say that you acquitted because other judges are guilty. It has been intimated here by counsel that other judges are guilty of some of the charges preferred against this judge. I repel that charge. I repel it as the Senator from New Hampshire, Mr. Chandler, did when he thought what the Senator from Nebraska, Mr. Allen, said might be construed to mean that Federal judges had violated the law—had stolen from the people of the United States. I resent it, and I have a right to resent it. Let not the ermine that is clean and stainless, let not the characters that are pure and lofty, be sullied in order that this man may escape.

It is true he is along in years, but the man you will remove from office in pronouncing a just judgment upon him is ten years and more the junior of one of the men whom he, without law and without evidence, in the gratification of a mean, revengeful spirit, sent to the jail of the common felon.

He is not in a position to plead for mercy. He is not in a situation to demand justice, because justice is his removal. Decency would have prompted his resignation. The last impeachment trial that took place in the Senate came to an end upon the ground that the accused had resigned and taken himself from office. No such graceful act by this judge, either before or after any particular event. There he is and there he will remain unless you remove him, until in the lapse of time that relief is brought to the people which this court, if the verdict and judgment shall be in his favor, will surely deny them now.

Mr. FAIRBANKS. Mr. President, I move that the doors be closed and the Senate proceed to deliberate.

The motion was agreed to.

The managers on the part of the House, the respondent, and counsel for the respondent retired from the Chamber.

The Senate proceeded to deliberate with closed doors, and at the expiration of one hour and thirty-five minutes the doors were reopened.

While the doors were closed,

Mr. BACON submitted the following resolution; which was agreed to:

*Resolved*, That on Monday next, the 27th day of February, at 10 o'clock a. m., the Senate shall proceed to vote, without debate, on the several articles of impeachment. The Presiding Officer shall direct the Secretary to read the several articles of impeachment in their regular order. After the reading of each article the Presiding Officer shall put the question following: "Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article?" The Secretary will proceed to call the roll for the response of Senators.

Whereupon, when his name is called, each Senator shall arise in his place and give his response "guilty" or "not guilty," and the Secretary shall record the same.

*Resolved*, That the Secretary notify the House of Representatives of the foregoing.

The PRESIDENT pro tempore resumed the chair.

HOURLY MEETING ON MONDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it adjourn to meet at 9.50 a. m. on Monday.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I should like to take up the naval appropriation bill, House bill 18467. I move that the Senate proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be resumed at page 67, line 16. All the amendments up to this point have been agreed to.

Mr. GORMAN. I ask the Chair whether the usual rule was made that the committee amendments should first receive consideration?

The PRESIDENT pro tempore. That order was made. The committee amendments are first to be acted upon.

Mr. HALE. And they have been acted upon to the point where the Secretary will now begin to read.

The Secretary resumed the reading of the bill at line 16, page 67.

The next amendment of the Committee on Naval Affairs was, under the subhead "Increase of the Navy," on page 67, line 23, before the word "trial," to insert "maximum;" so as to make the clause read:

Two first-class battle ships, carrying the heaviest armor and most powerful armament for vessels of their class upon a maximum trial displacement of not more than 16,000 tons; to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,400,000 each.

The amendment was agreed to.

The next amendment was, on page 68, line 20, before the word "of," to strike out "two" and insert "one;" so as to read:

And the contract for the construction of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than one of the vessels provided for in this act shall be built by one contracting party: *Provided*, etc.

The amendment was agreed to.

Mr. CARMACK. I wish to say to the Senator from Maine that I intend, at the proper time, to offer an amendment to strike out the appropriation for two battle ships.

The next amendment was, at the top of page 69, line 6, after the word "vessels," to insert the following proviso:

*Provided*, That the limit of cost, exclusive of armor and armament, of each of the colliers and scout cruisers authorized by the act making appropriations for the naval service, approved April 27, 1904, be \$1,450,000 and \$2,000,000, respectively.

Mr. GORMAN. Mr. President, I should like to have the chairman of the Committee on Naval Affairs explain whether this provision is a limitation or an extension of the amount to be expended on these vessels.

Mr. BLACKBURN. Scout cruisers.

Mr. HALE. It has been found by the Department that so great is the speed required of this particular class of vessels and the cost of the installation of the power requisite for that purpose that they can not be built for the limit fixed in the act of last year. So the Secretary of the Navy has done what I think is good business—not making a contract and then asking us afterwards to make the contractors good, as has been done in other cases, but he has deferred action until Congress shall give him sufficient money for the purpose of having the ships built. I may call them wonderful ships, as they will be the fastest in any navy perhaps in the world. It was good administration for the Secretary to hold off and make no contract until the matter could be submitted to Congress.

Mr. GORMAN. I should like the Senator to tell me how much the increase is here.

Mr. HALE. It is \$200,000 on the three scout cruisers and \$200,000 on the colliers.

Mr. GORMAN. Making in the aggregate how much?

Mr. HALE. On the three cruisers \$600,000, and on the two colliers \$400,000.

Mr. GORMAN. Aggregating ten hundred thousand dollars?

Mr. HALE. Ten hundred thousand dollars.

Mr. GORMAN. Mr. President, I can understand perfectly the matter of increase in the cost of the scout cruisers in view of the construction of this very swift vessel. One of the fastest in the world is in the English navy, and if it is contemplated that these four cruisers shall be of that type it may be a very wise provision. If we are to continue at the very rapid rate we are proceeding with the construction of the Navy, the vessels we do build hereafter should be of the best and highest type, both in their construction and in their speed. But while it will require probably a very great force to build the scout cruisers, I ask the Senator from Maine why the increase in the cost of the colliers is necessary.

Mr. SPOONER. They ought to have speed.

Mr. GORMAN. They ought to have speed, but so far as I know, though I am not as familiar with the details in this matter as the Senator from Maine, there is no special reason for carriers of coal and provisions for the Navy to have this high speed.

Mr. HALE. The two classes of course are different entirely. Speed—that is, remarkable speed—is the attribute of the scout cruiser. I wish that we were building more of them and fewer of the other vessels. But these are the first that we have built, and it is found, as I have said, that in the construction they need additional money. The collier needs it, not that it can develop the same amount of speed, but a collier ought to have good speed—say 13, 14, or 15 knots—while the others have 24 knots. They are immense vessels. A scrutiny of the plan and what the vessels will cost has shown this to the Secretary, and he has done the same that he did in the case of the scout cruisers—declined to make any contracts until the matter could be submitted to Congress. If Congress does not approve of this increase, I should not advise him to undertake to build them under the old arrangement.

Mr. GORMAN. The colliers, I understand, are to be constructed in navy-yards. Am I correctly informed about that, or has any attempt been made to make a contract for them at the speed fixed by the Navy Department?

Mr. HALE. No; there have been plenty of opportunities to make contracts, but the Secretary has held them up. In the meantime the House has put in the bill a provision that they, in the discretion of the Secretary, may be built in navy-yards.

Mr. GORMAN. Mr. President, I had no idea that this bill had reached the stage it is in and that it was coming up for consideration to-day. I think quite a number of Senators had the same idea. I supposed that the Indian appropriation bill was to be first brought before the Senate and that this bill would come up later.

Mr. HALE. I explained that, if the Senator will allow me, the other day. Perhaps the Senator was not here. The Senator from Nevada [Mr. STEWART], in charge of the Indian appropriation bill, and the Senator from Pennsylvania [Mr. PENROSE], in charge of the post-office appropriation bill, whose bills are in advance of the naval appropriation bill, kindly yielded to me as I desire to get this bill through because I must go into work upon other appropriation bills and those Senators are not so situated. I explained to the Senate yesterday the situation. That is the reason why this bill came up first.

Mr. GORMAN. I have no doubt of good reason for it, Mr. President. I am fully aware of the situation and therefore I will not take up very much of the time of the Senate in the pressure we are under in disposing of the public business.

The PRESIDENT pro tempore. The Senator from Maryland is asking the attention of the Senator from Maine.

Mr. HALE. I beg the Senator's pardon. My attention was diverted.

Mr. GORMAN. As I said a moment ago, I do not intend to take up much of the time of the Senate in the discussion of this bill. Indeed, none of us are prepared for it just at this stage, and we had no knowledge that it was coming up. But I do think, in view of all the circumstances connected not only with the financial condition of the Treasury, but in view of the immense interest that has been taken in the proposition of a tremendous increase in the Navy, the Senator from Maine in charge of this bill, who is so familiar with all the details of the Navy and the affairs of the Navy Department, should make some explanation to the Senate and to the country why it is that after a consideration for two days in this body such large additions should be made to a bill which came here appropriating \$100,000,000 practically for the support and increase of the Navy.

Fortunately, Mr. President, as has been shown by publications in the public prints and the discussion of this measure elsewhere, the enormous increase that is proposed and will go on has attracted attention and has brought opposition without regard to party to the schemes that are being pressed.

This bill, perfected as it was in the place where it was originated, was passed, if I may properly say so, under the greatest possible pressure coming from a source that appreciates fully the great power that has been placed in the hands of a branch of this Government. They succeeded in a friendly body in having an appropriation made to the extent of \$100,000,000. Contracts have been made, I think the Senator from Maine stated a year ago, which involve a cost of \$150,000,000 or \$200,000,000 in the near future for the support of the Navy.

Mr. CARMACK. If the Senator from Maryland will permit me—

Mr. GORMAN. Certainly.

Mr. CARMACK. The Senator from Maine stated \$200,000,000 per annum.

Mr. GORMAN. I said \$150,000,000.

Mr. CARMACK. The increase was \$200,000,000.

Mr. GORMAN. I thank the Senator from Tennessee. Yet, after that friendly consideration and the tremendous amount embraced in this bill, having had an opportunity only to glance at it within the last five or ten minutes, I find that the Committee on Naval Affairs of this body have proposed immense increases. The first is the item that is now being considered, which the Senator from Maine has kindly informed us is an increase in the appropriation for cruisers and colliers heretofore authorized to be constructed of \$1,100,000.

Then we find an increase of over a thousand men in the Marine Corps—this "militia of the sea," as it is called:

Ten first sergeants, 67 sergeants, 142 corporals, 10 drummers, 10 trumpeters, and 1,000 privates.

Costing, I take it, about a thousand dollars a man, when the Marine Corps is already composed of a greater number of men in time of peace than the Marine Corps and the entire Army of the United States was composed of ten or twelve years ago.

Mr. HALE. Mr. President, the Senator will hardly say that on reflection. The Marine Corps is increased from between seven and eight thousand men, including the petty officers, up to, in round numbers, 9,000. Ten years ago and before the war with Spain the Army numbered 25,000—I wish it were 25,000 now, and no more—and the Marine Corps then was about 3,500. So that the Senator, whom I know desires to be accurate in his statements, would hardly be borne out in saying that the Marine Corps now is larger than the Army and the Marine Corps were ten years ago.

Mr. GORMAN. Of course, I desire to be corrected by the Senator if I am mistaken. I will say to the Senator that I have not the data here and was speaking largely from memory. I ask the Senator what will be the number of the Marine Corps with this increase?

Mr. HALE. It will be a little under 9,000. At present, without this increase, it is between seven and eight thousand.

Mr. GORMAN. I see now that I got the other proposed increase, that for sailors. I am obliged to the Senator from Maine for the correction.

Mr. HALE. We have at the same time increased the number of seamen, sailors; that is, the rank and file of the Navy.

Mr. GORMAN. I want to ask the Senator from Maine—I know he is familiar with this matter—what earthly necessity there can be at this time for an increase of the Marine Corps at an expense of from \$500,000 to \$1,000,000 per annum? I can understand that the country has been carried away with the idea that it is necessary to build ships; and it will take three

or four or five years, or whatever it may be, for the construction of these great ships, requiring not only sailors but engineers and electricians, for those ships are now simply great machines on the ocean and very complicated. There is some force in that contention; but there can be, Mr. President, in time of peace no earthly reason why these great vessels of war, whether cruisers or otherwise, should be fully manned with marines. They perform no very special duty on shipboard. Long training is not required to make them efficient. In times of trouble sufficient force for the Marine Corps can be obtained without the slightest difficulty, but it seems to me to have all of our ships that are afloat thoroughly manned and equipped as if we were going into a foreign war is a piece of extravagance that ought not to be tolerated by Congress.

Mr. HALE. I think perhaps the Senator from Maryland does not realize that the Marine Corps is the essential part of the Navy that is called into use in times of peace. The principal object of a big navy in times of peace is to bully small and weak powers.

Mr. BAILEY. Is not that a pretty bad business for us to engage in?

Mr. HALE. England has for more than a century adopted that policy, and has threatened, humiliated, and browbeaten small powers, and her navy is the instrumentality used. Whenever a naval officer desires to follow the track—and many of them do—of England, to follow the same course, the Navy is necessarily in that policy involved in the employment of the Marine Corps. If there is anything that is done in this direction, if a revolution breaks out in a sister republic, and our Government desires to watch the progress of that revolution—perhaps a little before it commences—the Navy is the instrument by which the Government acts, and the Marine Corps is the instrument in the Navy that does the business. If the Government is to take possession of the revenue of a sister Republic and we enter upon a policy of receiving their revenues and distributing them, the instrument is the Navy, and the men who do it are the Marine Corps. Sometime ago—

Mr. BAILEY. Will the Senator from Maine permit me?

Mr. HALE. I think an incompetent and half-crazy consul in a Syrian town got up a trouble himself and did not half get his deserts, but he appealed at once to the country, claiming that the honor of the flag had been assailed and the integrity of the Government menaced, and a war ship was sent at once to the door of that town. After the geography had been looked up it was found that this was the town of a small power which had been browbeaten and bullied by every European power; and the Marine Corps, if anything had been done there, is the body which would have acted.

When we were down at Panama the Marine Corps did it all, and did it well, and did it to the exclusion of the Army. If the Army had been called in, and they wanted to be, we would have been in a fight; we would have had a war before we knew it. The Administration then was wise, the Secretary of the Navy was wise in calling upon the Marine Corps, the importance of which I see the Senator does not fully appreciate in our wide work as a world power. He must understand that we can not have that proper appreciation and can not maintain our position as a world power unless we have these instrumentalities through which we exercise that power.

The Marine Corps is the least expensive of any. I was very glad in the Panama case that the Administration—the Secretary of the Navy—acted very wisely in the matter of his orders, which were in the direction of peace, and kept the Marine Corps in line; but if we had had two regiments of soldiers there we would have been engaged in a war with Colombia within thirty days. That is why the Marine Corps is always needed.

Mr. GORMAN. Mr. President, that, of course, is a very clear statement of the case, and I am very glad to have the Senator from Maine make it.

Mr. PATTERSON. With the permission of the Senator from Maryland, I wish to ask the Senator from Maine a question.

Mr. GORMAN. I yield to the Senator for that purpose.

Mr. PATTERSON. The Senator from Maine [Mr. HALE] has told us the main purpose of the Marine Corps, how it is used by foreign nations, and presumably how it is to be used by this nation. I want to know, as the Senator from Maine is the chairman of the Committee on Naval Affairs, whether he is particeps criminis in that proposition by aiding and abetting and supporting a measure that has for its purpose a large increase of that body of men to be used for intimidating purposes and other like conduct?

Mr. HALE. I am not responsible for and I am blaming nobody for that condition; but that is what Great Britain has always done, and if we imitate her we shall have to do the same thing.

This bill, however, does not contain any great increases. Com-

pared with the bill of last year and the bill of the year before, it is very moderate and very conservative. The action that the Naval Committee took upon that was very conservative indeed. The estimates were cut down that were submitted by the Navy Department, by the officers of the Navy Department, by the boards of the Navy Department—the officers of the Navy see the Navy only; they do not see any other branches of the Government, and therefore their estimates have been very largely cut down in this bill. It is a moderate bill.

Mr. GORMAN. That last statement of the Senator from Maine amazes me more than any other I have ever heard him make—the statement that this is a very moderate bill.

Mr. HALE. Moderate in its increases.

Mr. GORMAN. Oh, yes.

Mr. HALE. Of course, owing to previous legislation, the main bill is immense; it is an enormous bill. That we could not help in dealing with the future. Where we last year put on the bill thirty-odd millions and the year before forty-odd millions, this year we have only put on fifteen millions for new construction.

Mr. GORMAN. The Senator says \$15,000,000 are added for new construction. I ask him now for what amount the Government is obligated in the near future by the authorization of the construction of vessels and the proposed increase in the Marine Corps?

Mr. HALE. Well, the increase in the Marine Corps cuts a very small figure when we come to consider the enormous increases in the main establishment.

Mr. GORMAN. But taking the entire increases authorized by this bill, which will oblige us to make appropriations beginning a year ahead, how much is the increase in the aggregate of the present bill over the existing law?

Mr. HALE. Including the men and the new ships, I should say, without figuring it exactly, something less than \$20,000,000.

Mr. GORMAN. Well, Mr. President, the Senator has accurately described the policy under which this Government is being run so far as the Navy Department is concerned.

Mr. HALE. I think, if the Senator will remember, I described the policy under which England was acting, and said that if we proposed to imitate her we have got to follow her tracks.

Mr. GORMAN. Yes.

Mr. HALE. I did not say that we had come to that—I hope we have not—but if we do, if the plan is to imitate England, we will imitate her in every step. That is what I meant.

Mr. GORMAN. I do not think there can be any doubt of the fact that we are on the line of imitating England, not only in the construction of ships, their speed and armament, but that we are also following, as rapidly as it is possible to educate the people of the country to that condition in taking possession of whatever weak neighbors in the islands of the sea or otherwise we may find it convenient to take.

I not only think that an attempt is being made elsewhere to follow precisely in the policy of the English Government in all of these matters, but from recent occurrences it would seem that we are taking a step a little beyond anything that has ever been contemplated by the English Government. We seem to be acting as guardians and collectors for other nations and other republics. If that policy is to continue, as it has begun, I agree with the Senator from Maine that the Navy in its present condition and in its present cost is a mere bagatelle to what it will be.

I agree with the Senator that the Marine Corps, which has been so largely increased, has been very efficient in all the matters in which it has been used. I am not criticising the men of that corps. They behaved gallantly in Peking, where they were the first to scale the walls; and in Cuba the gallant officers of that corps were among the first at the surrender of the Spanish army. In Panama they were landed from our ships and took possession, and if there had been any necessity for it they would have fought, but there was nobody to fight. Only a helpless, poorly clad, and poorly armed mob was in front of the marines who took possession of affairs there, as they were ordered to do, just as they have taken possession recently of custom-houses to collect the revenues of another republic. All these things were done, however, under orders; so that I do not reflect upon their gallantry. They are as gallant and brave as the men in the Army of the United States, and deserve honor and credit for what they have accomplished. Therefore I make no criticism of the Marine Corps itself. What I do criticise is that in this bill, coming from the committee of this body of which the distinguished Senator from Maine [Mr. HALE] is chairman, the increase in that corps should be made when the whole matter has been thrashed over in another place, where, I may say, the bill was driven through, and such an increase was not allowed.

Mr. HALE. The Senator knows that the provision in re-

gard to the increase of the Marine Corps was stricken out on a point of order, and was not voted on.

Mr. GORMAN. Yes.

Mr. HALE. The committee of the House recommended it, as has the committee in the Senate.

Mr. GORMAN. Yes, Mr. President, the provision failed to be put in the bill as it came here, and failed in a body where any measure on the face of the earth can be put through if it is so determined by those who control.

I had hoped, as other Senators had hoped, not with a view of preventing the proper increase of the Navy and its officers and men, that the Senate of the United States, through the action of its committee, could have had before it a proposition to reduce the amount contained in the bill as it reached this body. Instead of that, so far as I have been able to see—and I ask the Senator to correct me if I am mistaken, as I have had no opportunity to read the bill through since it came from his committee—there are no decreases of any consequence, but in the aggregate the committee have added to this enormous appropriation of nearly \$100,000,000.

Mr. HALE. The House committee—and the House followed the suggestion of that committee—stripped the bill in every other part of it very badly and cut off almost all the appropriations for other purposes, such as docks, yards, and all of those things that have cost millions upon millions, and made it a very scanty bill. Unless the committee had stricken out the provision in regard to the construction of battle ships, which it was not thought wise to do this year, they had no opportunity to prune the bill. About the only increases that have been made are in the item for colliers from \$1,250,000 to \$1,450,000, in the item for scout cruisers from \$1,800,000 to \$2,000,000, the two aggregating \$1,000,000, and in the provision concerning an increase in the Marine Corps, which follows the natural increase of the Navy. If we continue building ships, if we get more ships, we must have more men in the Marine Corps. We cut down the estimates of the Department and give them just about 50 per cent of what they asked for.

The reason generally why the committee was not able to reduce the House bill was because the House had already reduced it very greatly in every part, from the first to the last, except with reference to men and battle ships.

Mr. GORMAN. Mr. President, the Senator says the House reduced the bill. Of course, the House reduced the bill from the estimates.

Mr. HALE. Yes.

Mr. GORMAN. But I doubt very much whether I am going beyond stating the exact fact when I say that never in the history of this Government would it have been dreamed of by any statesman in the United States that any Department of the Government in time of peace could have made such an estimate as that made by the Navy Department.

Mr. HALE. The Navy Department never would have done so, except right on the heels of a war. The war craze has not yet disappeared from the public mind. There is no doubt about that. We are yet in the shadow of the war. I hope we will emerge from it at no distant day and come back to normal conditions, when we may realize what is our actual situation and what our necessities are in regard to the Navy.

The House of Representatives can not be blamed. The matter of battle ships was fought out in the House after full and very thorough debate, which I read with great interest. The battle-ship provision was not decided by a party division. There were a great many Democrats who voted for two ships; and the fight against two ships was made largely by the Republicans, the leader of whom was a prominent Republican, a distinguished gentleman who has been here in other proceedings in our front in the last few days, backed up by other leading Republicans. The vote was not a party one; it was a vote not had under a suspension of the rules. All the debate that was asked for was granted, and it was a very interesting debate.

Under this spirit left over from the war, under this feeling, and under this shadow of the war, from which we have not yet recovered, and after a debate in the House in which Democrats participated by scores, as well as Republicans, the House passed the bill carrying the provision for two battle ships. They did not adopt the programme of the Navy Department; they did not adopt the programme that the naval board sent in. The bill does not provide for a third as many ships as the programme of the naval board desired. For that reason the committee, which is a conservative committee of the Senate, did not think it wise at this stage to enter into a contest with the House on this subject.

I myself personally am not in sympathy with the battle-ship provision of the bill. I think money spent in the construction of battle ships is one of the most extravagant expenditures that we can make; but other Senators do not think so, many Mem-

bers of the House do not think so, the Navy Department does not think so, and I can not have my way. But, under the circumstances, I do not think the Senator should arraign the committee for having been extravagant. This matter was talked over in committee, Democrats and Republicans agreeing, but some members of the committee stated that they would be in no way bound by the action of the committee to vote for the provision for two battle ships; that they might vote for one, if they chose; but there was a general sentiment against making a contest now, at this stage, with the House, after the House had demonstrated in the debates that it wanted these ships.

Mr. GORMAN. Mr. President, I hope the Senator from Maine will not think I was criticising the committee unnecessarily. I expressed my regret that the committee had come to the conclusion to make any increase in the bill as it reached the Senate, which I think is entirely within the rule. The Senator knows very well that I have no desire to criticise him unnecessarily, or, indeed, in any manner. I agree with him that fortunately in the discussion of this question now and heretofore there never has been, since I have served in the Senate, and since the beginning of the construction of the new Navy, any party matter whatever. I served on the committee six or seven years ago, when I was formerly in the Senate. The Senator from Maine has had charge of the naval appropriation for eighteen or twenty years, and he knows that such a question never arose under any Administration. I was as heartily in favor of a proper increase as any gentleman on the other side when the Republican party controlled all branches of the Government, and for the short time when on the face of things the Democratic party controlled the Government the Senator from Maine and Senators on the other side were as anxious for the construction of the Navy as I was.

Mr. McCUMBER. Will the Senator from Maryland permit me?

Mr. GORMAN. Certainly.

#### ORDER OF BUSINESS.

Mr. McCUMBER. I understand the Senator from Maine does not expect to dispose of this question this evening, and I ask if it will not be satisfactory to the Senator from Maryland and the Senator from Maine that I should ask unanimous consent at this time that we take up the unobjected pension bills and also the bills to correct military records on the Calendar and dispose of them this evening, assuring the Senators that this will dispose of the whole matter, and I will not come back. It will take about an hour and a half, I presume, to an hour and three-quarters to dispose of the three hundred and sixty-odd bills on the Calendar. I should like unanimous consent at this time that we may take up those bills.

Mr. WARREN. I will ask the Senator if he will not include unobjected House bills on the Calendar? There are not many, perhaps two or three more than those he has enumerated. They are very unimportant short bills, but some of them will require amendments, and will probably have to go into conference.

Mr. McCUMBER. House bills on what subject?

Mr. WARREN. Unobjected House bills on the Calendar.

Mr. McCUMBER. I hope that will not be done, because it may lead to discussion. Practically all the pension bills are House bills, and the Senate will have more time this evening to dispose of them than at any other time.

Mr. HALE. Would the Senator from Maryland prefer to go on to-night?

Mr. GORMAN. No; such an arrangement is perfectly agreeable to me.

Mr. HALE. What I had hoped was that I might get the bill through to-night. I see from the discussion upon important essentials of the bill that that is impossible, and we have all learned that pension bills must go through.

I hope the Senator from North Dakota will not keep us here too long. I will consent that the appropriation bill may go over, but I shall call it up at the very first legislative session, and then shall ask, if necessary, to have a night session. We shall have to come to that.

Mr. GORMAN. The Senator knows that everyone on this side recognizes that fact.

Mr. HALE. Neither the Senator nor any of his associates on the other side is obstructing matters. It is a fair and legitimate debate. But we may as well understand that we have to face the disagreeable necessity of night sessions. I shall get this bill up with the leave of the Senate at its next legislative session, and shall ask the Senate to continue and complete it.

Mr. GORMAN. I hope the Senator will ask unanimous consent that after we get through with the other matter on Monday we shall take up his bill and get through with it.

Mr. HALE. I will take my chance.

Mr. GORMAN. Get unanimous consent.

Mr. HALE. Then let it be understood that the next time we are in legislative session this will be the first business to be considered.

Mr. BLACKBURN. The Senator does not mean the ten minutes between 9.50 and 10 o'clock on Monday morning?

Mr. HALE. No.

Mr. SPOONER. Why not go on to-night?

Mr. HALE. There are a large number of pension bills—

Mr. BLACKBURN. It is evident this bill can not be finished to-night. The Senator from Maine, in charge of the bill, I am sure realizes that it can not be finished to-night.

Mr. HALE. Yes; I see that.

Mr. BLACKBURN. There are two propositions involved in the bill which will require discussion.

Mr. HALE. I appreciate that.

Mr. MALLORY. Mr. President, I should like to inquire if the amendment commencing on line 7, page 69, of the naval appropriation bill has been adopted?

The PRESIDENT pro tempore. It is an open question.

Mr. MALLORY. Very well.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases and unobjected bills reported from the Military Affairs Committee, removing charges of desertion, etc. Is there objection?

Mr. GALLINGER. Mr. President, I shall not object to that request, but before it is given I wish to say there are a large number of District of Columbia bills reported from the committee and on the Calendar. I shall ask some time in the near future for their consideration, especially the House bills; and I trust that when the time comes I may be granted that courtesy. There is tremendous pressure in reference to those bills, and my life is made almost intolerable concerning them.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

Mr. BERRY. I desire to ask a question before the order is carried into execution. I wish to know if unanimous consent can not be given that no other business will be taken up after the conclusion of the order which has just been made.

Mr. McCUMBER. Yes, sir.

Mr. BERRY. No legislative business.

Mr. WARREN. I can not consent to that. There are one or two very small matters which I am sure the Senator from North Dakota will yield to now, when we are all here, and after that if the Senator—

Mr. BERRY. Some of us do not want to stay here two hours to wait for other legislative business.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 17941. An act to amend the act entitled "An act to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras," approved April 28, 1904; and

H. R. 18906. An act authorizing the construction of two bridges across the Ashley River, in the counties of Charleston and Dorchester, S. C.

H. R. 18641. An act to amend sections 56 and 80 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 2560. An act for the relief of G. G. Martin;

S. 4699. An act to relinquish and quitclaim to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, and T. E. Welles, of Pensacola, Fla., his heirs and assigns, respectively, all the right, title, interest, and claim of the United States in, to, and on certain properties in the city of Pensacola, Escambia County, Fla.;

S. 6846. An act to reinstate Kenneth McAlpine as a lieutenant in the Navy; and

S. 7239. An act to amend section 13 of chapter 394 of the Supplement to the Revised Statutes of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4156) for the establishment of public convenience stations in the District of Columbia.

The message further announced that the House had agreed

to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the House to the bill (H. R. 17117) granting an increase of pension to George H. Brusstar.

The message also announced that the House had agreed to a concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 15657) entitled "An act granting an increase of pension to William Tawney."

The message further announced that the House insists upon its amendments to the bill (S. 4156) for the establishment of public convenience stations in the District of Columbia, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. ALLEN, and Mr. COWHERD managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 4782. An act for the conveyance of public lands belonging to the United States, in the State of New York;

S. 6314. An act for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts;

S. 7157. An act to amend an act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, approved February 12, 1901;

H. R. 7022. An act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 2531. An act to divide Washington into two judicial districts; and

H. R. 17579. An act to create a new division of the western judicial district of Louisiana, and to provide for terms of court at Lake Charles, La., and for other purposes.

#### PUBLIC-CONVENIENCE STATIONS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4156, an act for the establishment of public-convenience stations in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same, with an amendment as follows: In line 13, of section 2, strike out the word "purchase" and insert in lieu thereof the word "approaches;" and the House agree to the same.

That the House recede from its amendment numbered 2.

J. H. GALLINGER,

H. C. HANSBROUGH,

THOMAS S. MARTIN,

Managers on the part of the Senate.

J. W. BABCOCK,

AMOS L. ALLEN,

W. S. COWHERD,

Managers on the part of the House.

The report was agreed to.

#### BOND BY AGENT OF CONSIGNEE OF IMPORTED GOODS.

Mr. SPOONER. I ask the Senator from North Dakota to yield to me that I may call up the bill (H. R. 16646) to amend section 2787 of the Revised Statutes of the United States.

Mr. McCUMBER. I yield with the understanding that it will require no discussion.

Mr. SPOONER. If it leads to discussion I will withdraw it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 2787 of the Revised Statutes so as to read as follows:

SEC. 2787. Whenever any entry is made with the collector of any district of merchandise imported into the United States subject to duty by any agent, factor, or person, other than the person to whom it belongs or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person in the penal sum of an amount equal to double the estimated duties, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to any entry previous to the landing of merchandise; which account shall be verified by a like oath as in the case of an entry, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs, or before any properly qualified notary whose seal shall be attested by the clerk of the county in which he is resident, or before any notary public designated by the Secretary of the Treasury. In case of the payment of the duties at the time of entry by any factor or agent on the merchandise entered by him the

condition of the bond shall be to produce the account of the proper owner or consignee, verified in manner as before directed, within ninety days from the date of such bond.

The bond in no case shall be for less than \$100, and may not be required when the entered value of the merchandise does not exceed \$100. In the event of failure to produce the declaration of the owner or ultimate consignee within the time herein prescribed the bond may be canceled, at the discretion of the Secretary of the Treasury, upon due proof that the factor or agent who entered the merchandise exercised proper diligence in the effort to fulfill the requirements of this act.

But with the approval of the Secretary of the Treasury any agent, factor, or common carrier engaged in the entry of merchandise at the port of first arrival may give a general penal bond at said port for the production of the oaths of owners or ultimate consignees. Said bond shall be fixed by the Secretary of the Treasury at an amount sufficient in his opinion to cover all obligations to the United States that may accrue, and the record and cancellation of liabilities under said general bond shall be in accordance with such rules as he may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. D. ASHFORD.

Mr. WARREN. Will the Senator from North Dakota yield to me that I may call up a brief bill?

Mr. McCUMBER. I yield.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 10089) for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to R. D. Ashford, of Lockport, N. Y., \$420 for the rent of three parlors of the American Hotel, at Lockport, N. Y., and damage to carpets and furniture while they were occupied for post-office purposes at the time of the destruction of the Hodge Opera House in that city.

The bill had been reported from the Committee on Claims with an amendment to strike out section 2, in the following words:

SEC. 2. That the Secretary of the Treasury is hereby also authorized to pay to said R. D. Ashford interest at the rate of — per cent per annum on the said sum of \$420 from the 1st day of February, 1881, to the date of the passage of this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PORT OF GLOUCESTER, MASS.

Mr. ALGER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17353) to make Gloucester, Mass., a port to which merchandise may be imported without appraisement, to report it favorably without amendment.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill. It is only three lines long, and is a mere formal matter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. JOSEPH RIVER (MICHIGAN) BRIDGE.

Mr. BURROWS. The Senator from North Dakota yields to me that I may call up the bill (H. R. 18728) to authorize the board of supervisors of Berrien County, Mich., to construct a bridge across the St. Joseph River near its mouth, in said county.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONROE AND LAKE PROVIDENCE RAILROAD COMPANY.

Mr. MCENERY. I ask unanimous consent to call up the bill (H. R. 17869) relating to the Monroe and Lake Providence Railroad Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the company named to construct and maintain, for the passage of railway trains, bridges with single or double tracks and approaches thereto over Boeuf River and Bayou Maçon, in the State of Louisiana, at such locations as may be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS AT WASHINGTON, N. C.

Mr. OVERMAN. I ask the Senator from North Dakota to yield to me that I may call up the bill (H. R. 14589) to provide for terms of the United States district and circuit courts at Washington, N. C.

Mr. McCUMBER. I yield.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in section 2, page 1, line 12, after the word "and," to strike out—

he shall appoint a deputy clerk of said court, to reside at Washington, N. C., with the usual powers of a deputy clerk in such cases.

And insert:

said courts, respectively, may, on the application of the clerk, appoint a deputy clerk, with the usual powers of a deputy clerk in such cases, who shall reside at Washington, N. C., and.

So as to make the section read:

SEC. 2. That the clerk of the United States circuit and district courts at the city of Raleigh, N. C., shall be the clerk of the United States circuit and district courts at Washington, N. C., and said courts, respectively, may, on the application of the clerk, appoint a deputy clerk, with the usual powers of a deputy clerk in such cases, who shall reside at Washington, N. C., and whose compensation shall be such proportion of the fees accruing from business done in said courts at Washington, N. C., as shall be fixed by the judge of said district: *Provided*, That the city of Washington, N. C., shall provide and furnish at its own expense a suitable and convenient place for holding the circuit and district courts of the United States at Washington, N. C.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LAKE ERIE AND NIAGARA RIVER TUNNEL.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 18637) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River and to erect and maintain an inlet pier therefrom for the purpose of supplying the city of Buffalo with pure water, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE T. PETTENGILL.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 1983) for the relief of George T. Pettengill, lieutenant, United States Navy.

The PRESIDENT pro tempore. In all these cases the unfinished business is temporarily laid aside. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers in settling and adjusting the accounts of George T. Pettengill, lieutenant, United States Navy, to credit him with the sum of \$748, which amount of Government funds he intrusted to George Head, a mail orderly on the U. S. S. *Newark*, while that vessel was at Kure, Japan, August 7, 1900, for the purpose of sending an official telegram for Admiral Kempff, United States Navy, senior squadron commander, Asiatic Station, with which money the orderly absconded.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' HOME IN FLORIDA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 6133) to authorize the location of a Branch Home for disabled volunteer soldiers, sailors, and marines in the State of Florida.

I will say that the bill has been read, and was then objected to by the Senator from Iowa [Mr. ALLISON]. I have a few amendments to meet his objections, which I will offer when the bill is taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in section 5, line 18, after the word "livelihood," to insert "and who are now or may be hereafter eligible for admission to the present Soldiers' Homes."

Mr. TALIAFERRO. I move to strike out the words "and who" at the beginning of the amendment.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. TALIAFERRO. In section 3, line 1, page 2, after the word "That," I move to strike out "within six months" and insert "as soon as practicable;" in the same line, after the word "the," I move to strike out "passage and;" in line 2 I move to strike out "or as soon thereafter as practicable;" in line 5 I move to strike out the words "and the work of con-

structing said building or buildings shall be prosecuted with all possible diligence;" so as to make the section read:

Sec. 3. That as soon as practicable after the approval of this act the said Board of Managers shall begin the erection of a suitable building or buildings on the grounds secured by purchase or otherwise for the use of said Branch Home.

The amendment was agreed to.

Mr. TALIAFERRO. In section 5, line 14, I move to strike out all after the word "who" down to and including the word "livelihood," in line 19; so as to make the section read:

Sec. 5. That all honorably discharged soldiers, sailors, and marines who are now or may be hereafter eligible for admission to the present Soldiers' Homes shall be eligible for admission into the Branch Home for disabled soldiers, as provided in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT TO COPYRIGHT LAW.

Mr. PLATT of Connecticut. Mr. President, on a former occasion the bill (H. R. 6487) to amend section 4952 of the Revised Statutes, found on the Calendar under bills passed over without prejudice, page 14, was before the Senate, and the Senator from Georgia [Mr. BACON] made some objections. I have now prepared an amendment to the bill which is satisfactory to the Senator from Georgia, and I ask that it may be taken up. The bill has heretofore been read.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has heretofore been read: The Senator from Connecticut offers an amendment, which will be stated.

The SECRETARY. Strike out all after line 8, on page 2, and insert in lieu thereof the following:

Whenever the author or proprietor of a book in a foreign language, which shall be published in a foreign country before the day of publication in this country, or his executors, administrators, or assigns, shall deposit one complete copy of the same, including all maps and other illustrations, in the Library of Congress, Washington, D. C., within thirty days after the first publication of such book in a foreign country, and shall insert in such copy, and in all copies of such book sold or distributed in the United States, on the title page or the page immediately following, a notice of the reservation of copyright in the name of the proprietor, together with the true date of first publication of such book, in the following words: "Published —, 19—. Privilege of copyright in the United States reserved under the act approved —, 1905, by —," and shall, within twelve months after the first publication of such book in a foreign country, file the title of such book and deposit two copies of it in the original language or, at his option, of a translation of it in the English language, printed from type set within the limits of the United States, or from plates made therefrom, containing a notice of copyright, as provided by the copyright laws now in force, he and they shall have during the term of twenty-eight years from the date of recording the title of the book or of the English translation of it, as provided for above, the sole liberty of printing, reprinting, publishing, vending, translating, and dramatizing the said book: *Provided*, That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to its own citizens.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ORDINANCE OF PURCELL, IND. T.

Mr. STONE. By direction of the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 15286) legalizing a certain ordinance of the city of Purcell, Ind. T. It is a short bill, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LIEUT. D. W. BLAMER.

Mr. ALLISON. I ask the Senator from North Dakota to yield to me for a moment in order that I may ask the Senate to proceed to the consideration of the bill (H. R. 18527) for the relief of Lieut. D. W. Blamer, United States Navy.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to issue to Lieut. D. W. Blamer, United States Navy, duplicates in lieu of United States 3 per cent coupon bonds, loan of 1908 to 1918, Nos. 17307, 17308, and 17309, for \$20 each, and 23256 and 23257, for \$100 each, with interest coupons attached dated November 1, 1898, and subsequently, said bond and coupons having been lost and destroyed through the wreck of the U. S. S. *Charleston* on

November 2, 1899. But D. W. Blamer shall first file in the Treasury a bond in the penal sum of double the amount of the principal of said bonds and the interest that would accrue thereon until the same should become due and payable, with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim on account of the said bonds and interest coupons.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

Mr. LONG. I ask for the consideration of the bill (S. 6647) granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 1, page 2, after the word "constructed," at the end of line 1, to insert "or now owned;" so as to make the section read:

*Be it enacted, etc.*, That the Choctaw, Oklahoma and Gulf Railroad Company be, and it is hereby, authorized and empowered to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and the Chicago, Rock Island and Pacific Railway Company is hereby authorized and empowered to purchase, hold, maintain, and operate the railway heretofore constructed or now owned by the Choctaw, Oklahoma and Gulf Railroad Company, subject, however, to all the conditions and limitations contained in the several acts of Congress authorizing the organization of the Choctaw, Oklahoma and Gulf Railroad Company and the construction of its lines in the Indian Territory: *Provided, however*, That before any such sale and conveyance shall be made, the terms thereof shall be approved by a majority of the directors of the Choctaw, Oklahoma and Gulf Railroad Company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMERICAN REGISTER FOR STEAM LIGHTER PIONEER.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 11961) to provide an American register for the steam lighter *Pioneer*.

There being no objection, the bill was considered as in Committee of the Whole. It directs that the Commissioner of Navigation cause the foreign-built steam lighter *Pioneer* to be registered as a vessel of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTATE OF GEORGE E. W. SHARRETTS.

Mr. MCCOMAS and others addressed the Chair.

Mr. KEAN. I think we had better have the regular order.

Mr. MCCOMAS. I wish to call up a short bill, a House bill from the Committee on Claims. I ask unanimous consent for the present consideration of the bill (H. R. 6984) for the relief of Kate R. Sharretts and Edward A. Sharretts, administrators of George E. W. Sharretts.

The PRESIDENT pro tempore. The Senator from New Jersey demanded the regular order.

Mr. MCCOMAS. Will the Senator withdraw that demand for a moment?

Mr. KEAN. I thought if we were going to give registry to foreign vessels we might as well go on with the regular order.

Mr. MCCOMAS. This is a House bill and is based on a finding of the Court of Claims.

Mr. McCUMBER. I appreciate that next week it is going to be very difficult for Senators to call up any special bills, and I therefore have been exceedingly liberal this evening, knowing the difficulty that will attend them next week. I make no objection to the few special bills that a few Senators wish to call up.

The PRESIDENT pro tempore. Does the Senator from New Jersey withdraw his demand for the regular order?

Mr. KEAN. I withdraw it for the present.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Kate R. Sharretts and Edward A. Sharretts, administrators of George E. W. Sharretts, \$3,000, in full compensation for his time and services in the preparation of his salary tables used by the Government, and in lieu of all royalty or values of such tables, of which he is the inventor and author, as appears by the finding of the Court of Claims filed February 2, 1885.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RESURVEY OF LANDS IN WYOMING.

Mr. WARREN. I ask leave to call up the bill (S. 6944) to authorize the resurvey of certain lands in the State of Wyoming.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 12, after the word "one," to insert "and;" in the same line, after the word "two," to strike out "one hundred and three, one hundred and four, one hundred and five, and one hundred and six;" in line 3, page 2, after the word "meridian," to insert "and township 24 north, ranges 103 and 104 west of the sixth principal meridian;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made a resurvey of the following townships in the State of Wyoming: Townships 17, 18, 19, 20, 21, and 22 north; ranges 101, 102, 103, 104, 105, 106, 107, and 108 west of the sixth principal meridian; and townships 23 and 24 north, ranges 101 and 102 west of the sixth principal meridian; and township 24 north, ranges 103 and 104 west of the sixth principal meridian. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CONNECTICUT RIVER BRIDGE AT HARTFORD, CONN.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19013) to amend an act entitled "An act to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut," to report it favorably without amendment, and by the request of the Senator from Connecticut [Mr. PLATT] I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MERCHANDISE FROM CANAL ZONE, PANAMA.

Mr. GORMAN. I ask for the present consideration of the bill (H. R. 18285) fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama. It is a bill favorably reported from the Committee on Finance.

There being no objection, the bill was considered as in Committee of the Whole. It provides that all laws affecting imports of articles, goods, wares, and merchandise and entry of persons into the United States from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMERICAN REGISTER FOR STEAMER BROOKLYN.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 5392) to provide an American register for the steamer *Brooklyn*.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Commissioner of Navigation to cause the foreign-built steamer *Brooklyn*, wrecked in Cuban waters and purchased by a citizen of the United States, and now under repair in a shipyard in the United States, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs made upon the vessel have amounted to three times the purchase price of the vessel.

Mr. KEAN. I should like to call the attention of the Senator from New York to the cheap price at which he is selling the American flag.

Mr. DEPEW. I will state, Mr. President, that this ship was an American transport, sold to an American firm, and that it carried the American flag for several years.

Mr. KEAN. We are selling the flag for \$10,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AGREEMENT WITH SHOSHONE INDIANS.

Mr. CLARK of Wyoming. I ask unanimous consent that at the end of the pension legislation this afternoon I may be permitted to call up the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect.

I do not desire to call up the bill at this time, because it is a bill of eight or nine pages and I do not wish to consume the time before the pension bills are considered. It is a House bill already passed by that body and reported favorably by the Committee on Indian Affairs of the Senate.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that after the completion of the Pension Calendar he may be permitted to call up for consideration House bill 17994.

Mr. HEYBURN. Will that affect the regular order?

The PRESIDENT pro tempore. It will not. It is to take place after the regular order has been concluded.

Mr. HEYBURN. Will it displace the unfinished business?

The PRESIDENT pro tempore. The Senator from Idaho asks that the pure-food bill be temporarily laid aside in order that this bill may be considered after the pension bills are disposed of. The Chair hears no objection.

#### GEORGE AMERINE.

Mr. McCUMBER. I ask unanimous consent to report from the Committee on Pensions two bills and to ask for the immediate consideration of the same. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5867) granting a pension to George Amerine, to report it without amendment, and I submit a report thereon.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Amerine, late of Company H, First Regiment Kentucky Volunteer Cavalry, Mexican war, and to pay him a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BENTON CANTWELL.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7230) granting an increase of pension to Benton Cantwell, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benton Cantwell, late of Company H, Twenty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ALEXANDER G. PENDLETON, JR.

Mr. QUARLES. I ask unanimous consent to report back from the Committee on Military Affairs without amendment the bill (H. R. 17983) authorizing the President to reinstate Alexander G. Pendleton, Jr., as a cadet in the United States Military Academy, and I submit a report thereon. I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the President to reinstate former cadet Alexander G. Pendleton, Jr., to the United States Military Academy at West Point on or at any day after the 11th day of June, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HARRIET E. PENROSE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 202) granting a pension to Harriet E. Penrose, which was, in line 9, before the word "dollars," to strike out "fifty" and insert "twenty."

Mr. McCUMBER. I move that the Senate insist on its amendment and ask a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

ROBERT CATLIN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7077) granting a pension to Robert Catlin, which was, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve."

Mr. McCUMBER. I move that the Senate insist on its amendment and ask a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. TALLAFERRO were appointed.

WILLIAM TAWNEY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill H. R. 15657, entitled "An act granting an increase of pension to William Tawney."*

BUSINESS FOR REMAINDER OF TO-DAY'S SESSION.

Mr. McCUMBER. I ask for the regular order.

Mr. ALLISON. I ask unanimous consent that no further business shall be done this evening except pension bills and the bill to be called up by the Senator from Wyoming [Mr. CLARK].

The PRESIDENT pro tempore. The unanimous consent given on the request of the Senator from North Dakota included pension bills and bills for the correction of military records.

Mr. ALLISON. Very well; I include those.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that no other business shall be transacted after the pension bills and the bills to correct military records except the bill which the Senator from Wyoming received unanimous consent to bring before the Senate. Is there objection? The Chair hears none, and the order is made.

COMMITTEE ON FOREIGN RELATIONS.

On motion of Mr. CULLOM, it was

*Ordered*, That the Committee on Foreign Relations have leave to sit during the sessions of the Senate.

The PRESIDING OFFICER (Mr. KEAN in the chair). The first private pension bill on the Calendar will be stated.

SARAH S. MULCAHEY.

The bill (H. R. 11501) granting an increase of pension to Sarah S. Mulcahey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah S. Mulcahey, widow of Patrick Mulcahey, late of Company G, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK LOVELEY.

The bill (H. R. 14395) granting an increase of pension to Frank Loveley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Loveley, late of Company K, Fifty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. PEAKS.

The bill (H. R. 3406) granting an increase of pension to Thomas J. Peaks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Peaks, late first lieutenant Company E, Twenty-second Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM R. FREELove.

The bill (H. R. 15913) granting an increase of pension to Hiram R. Freelow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram R. Freelow, late of Company G, Fourth Regiment Rhode Island Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM L. MACK.

The bill (H. R. 15931) granting an increase of pension to Ephraim L. Mack was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Ephraim L. Mack, late of Company D, Sixteenth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. PAUL.

The bill (H. R. 17523) granting an increase of pension to Mary A. Paul was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Paul, widow of Andrew A. Paul, late of Company E, Sixth Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL HUDSON.

The bill (H. R. 14125) granting an increase of pension to Joel Hudson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel Hudson, late of Company A, Seventy-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN C. GILBREATH.

The bill (H. R. 14785) granting an increase of pension to Warren C. Gilbreath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren C. Gilbreath, late second lieutenant Twentieth Battery Indiana Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENGELHARDT ROEMER.

The bill (H. R. 15008) granting an increase of pension to Engelhardt Roemer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Engelhardt Roemer, late of Company H, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGLAÉ BACHE.

The bill (H. R. 15751) granting an increase of pension to Aglaé Bache was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aglaé Bache, widow of Albert D. Bache, late pay inspector United States Navy, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARON PROCTOR.

The bill (H. R. 18806) granting a pension to Baron Proctor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Baron Proctor, late acting assistant paymaster, U. S. gunboat *Cincinnati*, United States Navy, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI L. MARTZ.

The bill (H. R. 15337) granting an increase of pension to Levi L. Martz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi L. Martz, late of Company A, and quartermaster sergeant, Thirty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD J. LEWIS.

The bill (H. R. 15950) granting an increase of pension to Edward J. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward J. Lewis, late captain Company C, Thirty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHAN MOHR.

The bill (H. R. 2017) granting an increase of pension to Johan Mohr was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of Johan Mohr, late second lieutenant Company B, One hundred and seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KNIGHT.

The bill (H. R. 9580) granting an increase of pension to John Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name John Knight, late of Company F, Sixty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE E. PIERSON.

The bill (H. R. 6714) granting an increase of pension to George E. Pierson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Pierson, late of Company H, Thirty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASHER D. BICE.

The bill (H. R. 12157) granting an increase of pension to Asher D. Bice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asher D. Bice, late of Company G, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL VISNOW.

The bill (H. R. 1900) granting an increase of pension to Samuel Visnow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Visnow, late of Company G, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. SOWARD.

The bill (H. R. 13654) granting an increase of pension to Thomas H. Soward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Soward, late first lieutenant Companies L and B, Second Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYMAN L. SMITH.

The bill (H. R. 12158) granting an increase of pension to Lyman L. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lyman L. Smith, late first lieutenant Company E, Forty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. STEWART.

The bill (H. R. 1887) granting an increase of pension to William J. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Stewart, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. COONROD.

The bill (H. R. 15642) granting an increase of pension to John H. Coonrod was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Coonrod, late of Company E, One hundred and seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. M'KEE.

The bill (H. R. 6324) granting an increase of pension to John H. McKee was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of John H. McKee, late captain Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY RINEHART.

The bill (H. R. 5691) granting an increase of pension to Henry Rinehart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Rinehart, late of Company D, Sixth Regiment Michigan Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES G. BUTLER.

The bill (H. R. 15679) granting an increase of pension to James G. Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James G. Butler, late captain Company B, Thirtieth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAULINE W. STUCKEY.

The bill (H. R. 14232) granting a pension to Pauline W. Stuckey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pauline W. Stuckey, widow of John S. Stuckey, late captain Company D, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD S. CLITHERO.

The bill (H. R. 1551) granting an increase of pension to Edward S. Clithero was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward S. Clithero, late of Company D, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GIBSON.

The bill (H. R. 1892) granting an increase of pension to John Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gibson, late of Second Independent Battery Minnesota Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELLIE BARRETT.

The bill (H. R. 15925) granting an increase of pension to Nellie Barrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nellie Barrett, widow of Whitmore H. Barrett, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. SMITH.

The bill (H. R. 2741) granting an increase of pension to William H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Smith, late of Company L, First Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN J. SEVERANCE.

The bill (H. R. 4636) granting an increase of pension to Martin J. Severance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin J. Severance, late captain Company I, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH L. CROSKREY.

The bill (H. R. 5044) granting an increase of pension to Joseph L. Croskrey was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Joseph L. Croskrey, late of Company D, Tenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL FORD.

The bill (H. R. 3239) granting an increase of pension to Daniel Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Ford, late of Company C, Seventeenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS C. FOSTER.

The bill (H. R. 15390) granting an increase of pension to Augustus C. Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus C. Foster, late of Company H, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL E. RUMSEY.

The bill (H. R. 14613) granting an increase of pension to Samuel E. Rumsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel E. Rumsey, late of Company E, Forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. PEMBERTON.

The bill (H. R. 3175) granting an increase of pension to James H. Pemberton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Pemberton, late of Company A, One hundred and seventy-third Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY H. WALKER.

The bill (H. R. 3526) granting an increase of pension to Mary H. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary H. Walker, widow of Moses B. Walker, late colonel Thirty-first Regiment Ohio Volunteer Infantry, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. RUSSELL.

The bill (H. R. 10081) granting an increase of pension to William A. Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Russell, late of Company H, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH WALTMAN.

The bill (H. R. 11746) granting an increase of pension to Isaiah Waltman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah Waltman, late of Company F, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS D. HORNER.

The bill (H. R. 12349) granting an increase of pension to Thomas D. Horner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas D. Horner, late of Company K, Seventy-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH STARR.

The bill (H. R. 9517) granting an increase of pension to Joseph Starr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Starr, late of Company L, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE VAN HORN.

The bill (H. R. 12558) granting an increase of pension to George Van Horn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Van Horn, late of Company F, Fifty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID H. LEE.

The bill (H. R. 15960) granting an increase of pension to David H. Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Lee, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BLAIR.

The bill (H. R. 6607) granting an increase of pension to John Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Blair, late of Company C, First Regiment Ohio Volunteer Infantry, and Company H, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SAWYER.

The bill (H. R. 15648) granting an increase of pension to Joseph Sawyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Sawyer, late of Company B, Third Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES O. LAPHAM.

The bill (H. R. 15861) granting an increase of pension to Charles O. Lapham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles O. Lapham, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. KREPPS.

The bill (H. R. 15616) granting a pension to Christopher C. Krepps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher C. Krepps, late captain Company F, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. HAWKINS.

The bill (H. R. 15210) granting an increase of pension to Isaac N. Hawkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Hawkins, late first lieutenant Company C, Seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$55 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JONAS BALL.

The bill (H. R. 4680) granting a pension to Jonas Ball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonas Ball, helpless and dependent son of Jonas Ball, late of Capt. William Ford's company, Maryland Militia, war of 1812, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MAGGIE WEYGANDT.

The bill (H. R. 14569) granting a pension to Maggie Weygandt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maggie Weygandt, helpless and dependent daughter of George Weygandt, late of Twentieth Independent Battery, Ohio Volunteer Light Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES H. BAIRD.

The bill (H. R. 11743) granting an increase of pension to Charles H. Baird was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Baird, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## MAE H. TYLER.

The bill (H. R. 8791) granting a pension to Mae H. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mae H. Tyler, widow of Hanson R. Tyler, late lieutenant, United States Navy, and to pay her a pension of \$25 per month and \$2 per month additional on account of the minor child of said Hanson R. Tyler until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THOMAS S. PECK.

The bill (H. R. 18345) granting an increase of pension to Thomas S. Peck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas S. Peck, late of Company H, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES B. MILLER.

The bill (H. R. 16073) granting an increase of pension to James B. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Miller, late of Company D, Second Regiment Colorado Volunteer Infantry, and Company M, First Regiment Colorado Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM T. FINCH.

The bill (H. R. 15720) granting an increase of pension to William T. Finch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Finch, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THOMAS L. JUDD.

The bill (H. R. 8820) granting an increase of pension to Thomas L. Judd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas L. Judd, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH D. WALSER.

The bill (H. R. 12411) granting an increase of pension to Joseph D. Walser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph D. Walser, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and Company H, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN SCHNEIDER.

The bill (H. R. 18683) granting an increase of pension to John Schneider was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Schneider, late of Company E, Second Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM W. DONHAM.

The bill (H. R. 3900) granting an increase of pension to William W. Donham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Donham, late of Company A, Seventh Regiment Missouri Volunteer State Militia Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES H. L. GROFFMANN.

The bill (H. R. 11142) granting an increase of pension to Charles H. L. Groffmann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. L. Groffman, late captain Companies G and B, Fourth Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FRANCIS GENTZSCH.

The bill (H. R. 18778) granting a pension to Francis Gentzsch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Gentzsch, late of Company G, First Regiment United States Reserve Corps, Cole County, Missouri Home Guards, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE P. FINLAY.

The bill (H. R. 17013) granting an increase of pension to George P. Finlay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George P. Finlay, late of Captain McManus's company, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ISABEL NICHOLS.

The bill (H. R. 15000) granting an increase of pension to Isabel Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isabel Nichols, widow of Daniel J. Nichols, late of Company A, First Regiment Missouri Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM B. SHEPARD.

The bill (H. R. 3437) granting an increase of pension to William B. Shepard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Shepard, late of Company E, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ALBERT H. ESTES.

The bill (H. R. 14481) granting an increase of pension to Albert H. Estes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert H. Estes, late captain Company E, Tenth Regiment Maine Volun-

teer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLE B. FUGATE.

The bill (H. R. 14071) granting a pension to Cole B. Fugate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cole B. Fugate, late of Captain Thomas J. Gardner's company, Ninth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and to pay him a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM H. TERWILLIGER.

The bill (H. R. 17918) granting an increase of pension to Hiram H. Terwilliger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram H. Terwilliger, late of Company E, Twentieth Regiment New York Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE CONWAY.

The bill (H. R. 17090) granting an increase of pension to Catharine Conway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Conway, widow of John Conway, late first lieutenant Company K, Sixty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN E. SNYDER.

The bill (H. R. 17922) granting an increase of pension to Ann E. Snyder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann E. Snyder, widow of Martin Snyder, late second lieutenant and captain Company C, Eightieth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT T. PORTER.

The bill (H. R. 14925) granting an increase of pension to Robert T. Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert T. Porter, late of Company D, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET H. HEATON.

The bill (H. R. 14665) granting an increase of pension to Harriet H. Heaton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet H. Heaton, widow of William W. Heaton, late chief engineer, ranking as lieutenant-commander, United States Navy, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN HOUGHTALING.

The bill (H. R. 9430) granting an increase of pension to Stephen Houghtaling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Houghtaling, late of Company B, One hundredth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHARINA A. MUELLER.

The bill (H. R. 5390) granting an increase of pension to Katharina A. Mueller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katharina A. Mueller, widow of William Mueller, late of Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. COPPER.

The bill (H. R. 10837) granting an increase of pension to Elizabeth A. Copper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Copper, widow of Joshua T. Copper, late of Company C, First Regiment Maryland Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMIRA CARICO.

The bill (H. R. 10487) granting an increase of pension to Almira Carico was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almira Carico, widow of Henry C. Carico, late of Company A, First Regiment Illinois Volunteer Cavalry, and captain Company D, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. HARPER.

The bill (H. R. 9458) granting an increase of pension to Martha A. Harper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Harper, widow of the late George W. S. Harper, late of Capt. James Rampley's company of Maryland Militia, war of 1812, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA NOLAN.

The bill (H. R. 5662) granting a pension to Julia Nolan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Nolan, widow of Charles Nolan, late of Company C, Second Regiment United States Dragoons, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH V. HOWELL.

The bill (H. R. 786) granting an increase of pension to Joseph V. Howell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph V. Howell, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. CAMPBELL.

The bill (H. R. 6910) granting an increase of pension to Mary E. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Campbell, widow of James R. Campbell, late of U. S. S. *Santiago de Cuba*, United States Navy, and to pay her a pension of \$12 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said James R. Campbell until it reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HUTCHINSON.

The bill (H. R. 4721) granting an increase of pension to Thomas Hutchinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Hutchinson, late nonenlisted man, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARSHALL COX.

The bill (H. R. 1266) granting an increase of pension to Marshall Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marshall Cox, late of Company B, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SINNETT A. DULING.

The bill (H. R. 18310) granting an increase of pension to Sinnett A. Duling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sinnett A. Duling, late of Company C, Fifth Regiment Tennessee Volunteer

Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH CARBAUGH.

The bill (H. R. 18615) granting an increase of pension to Jeremiah Carbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Carbaugh, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MYRTLE COLE.

The bill (H. R. 18432) granting a pension to Myrtle Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Myrtle Cole, helpless and dependent daughter of Thomas Cole, late of Company C, First Regiment New York Veteran Volunteer Cavalry, and Company K, Second Regiment New York Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ROSS HARTSHORNE.

The bill (H. R. 17682) granting an increase of pension to William Ross Hartshorne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Ross Hartshorne, late first lieutenant and adjutant Forty-second Regiment and colonel One hundred and Ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$60 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WHITFIELD.

The bill (H. R. 16345) granting an increase of pension to George Whitfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Whitfield, late of Company B, Thirty-fifth Regiment Illinois Volunteer Infantry, and One hundred and twenty-fourth Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA R. JONES.

The bill (H. R. 15884) granting a pension to Julia R. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia R. Jones, widow of Samuel Jones, late first lieutenant, First Regiment United States Artillery, war with Mexico, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON D. SINER.

The bill (H. R. 5000) granting an increase of pension to Jackson D. Siner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson D. Siner, late of Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. REDICK.

The bill (H. R. 3914) granting a pension to James M. Redick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Redick, late of Company C, Fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. MILLER.

The bill (H. R. 15084) granting an increase of pension to Joseph W. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Miller, late of Company E, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB TRAUTMAN.

The bill (H. R. 3908) granting an increase of pension to Jacob Trautman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Trautman, late of Company H, Eighth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. M'MURTRIE.

The bill (H. R. 12093) granting an increase of pension to Sarah A. McMurtrie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. McMurtrie, widow of Daniel McMurtrie, late medical director, United States Navy, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY J. RICHARDSON.

The bill (H. R. 15766) granting a pension to Henry J. Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry J. Richardson, late landsman, U. S. S. *Saratoga*, United States Navy, war with Mexico, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOU GATES.

The bill (H. R. 5637) granting an increase of pension to Lou Gates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lou Gates, widow of James B. Gates, late first lieutenant Company M, Second Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS B. SLAWSON.

The bill (H. R. 5641) granting an increase of pension to Morris B. Slawson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris B. Slawson, late of Company H, First Regiment Pennsylvania Volunteer Light Artillery, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZACHARY T. MILLER.

The bill (H. R. 9772) granting an increase of pension to Z. T. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the initial "Z" and insert "Zachary;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zachary T. Miller, late of Company G, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting an increase of pension to Zachary T. Miller."

HAMPTON L. MAXFIELD.

The bill (H. R. 5297) granting an increase of pension to Hampton L. Maxfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hampton L. Maxfield, late of Company H, Second Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. GILMAN.

The bill (H. R. 746) granting an increase of pension to William H. Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Gilman, late of Company H, Thirtieth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ALFRED F. CLARKE.

The bill (H. R. 7218) granting an increase of pension to Alfred F. Clarke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred F. Clarke, late of Company B, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MOSES F. COLBY.

The bill (H. R. 14410) granting an increase of pension to Moses F. Colby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses F. Colby, late of Company D, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES F. BOWMAN.

The bill (H. R. 4984) granting an increase of pension to Charles F. Bowman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Bowman, late of U. S. S. *Bat*, *Mahopac*, and *Sangus*, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN H. HARDY.

The bill (H. R. 3061) granting an increase of pension to John H. Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Hardy, third, late of Company B, Forty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DARIUS H. WHITCOMB.

The bill (H. R. 17681) granting an increase of pension to Darius H. Whitcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Darius H. Whitcomb, late of Company C, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE W. NANCE.

The bill (H. R. 10244) granting an increase of pension to George W. Nance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Nance, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DANIEL J. NUNNEMAKER.

The bill (H. R. 11316) granting an increase of pension to Daniel J. Nunnemaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel J. Nunnemaker, late of Company K, Fifty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PETER FOURNIER.

The bill (H. R. 11105) granting an increase of pension to Peter Fournier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Fournier, late of Company H, One hundred and eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM HENRY LEWIS.

The bill (H. R. 7443) granting an increase of pension to William Henry Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Henry Lewis, late of Company I, Twenty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANNIE CREAGH.

The bill (H. R. 5623) granting an increase of pension to Annie Creagh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Creagh, widow of James Creagh, late of Company A, Tenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN Q. CONVERSE.

The bill (H. R. 7429) granting an increase of pension to John Q. Converse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Q. Converse, late of Company I, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THOMAS D. FITCH.

The bill (H. R. 7423) granting an increase of pension to Thomas D. Fitch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas D. Fitch, late captain and assistant quartermaster United States Volunteers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN W. MCINTYRE.

The bill (H. R. 7716) granting an increase of pension to John W. McIntyre was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. McIntyre, late of Company H, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY E. WILLIAMS.

The bill (H. R. 14594) granting an increase of pension to Mary E. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Williams, widow of John L. Williams, late captain Company K, Ninety-first Regiment Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY LEICHTY.

The bill (H. R. 14456) granting an increase of pension to Henry Leichty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Leichty, late of Company D, Thirty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES M. MARTIN.

The bill (H. R. 12753) granting an increase of pension to James M. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Martin, late of Company K, Twenty-first Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARTHA M. HAWKINS.

The bill (H. R. 15233) granting an increase of pension to Martha M. Hawkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha M. Hawkins, widow of Preston Hawkins, late of Company C, First Regiment Alabama Independent Vidette Cavalry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## AMOS L. GRIFFITH.

The bill (H. R. 18305) granting an increase of pension to Amos L. Griffith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos L. Griffith, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. RUSSELL.

The bill (H. R. 5015) granting a pension to William A. Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Russell, late of Company I, Twenty-ninth Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET C. HECKER.

The bill (H. R. 10039) granting an increase of pension to Margaret C. Hecker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret C. Hecker, widow of Henry B. Hecker, late of Company H, Seventh Missouri State Militia Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Henry B. Hecker until it reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES JONES.

The bill (H. R. 13905) granting an increase of pension to Moses Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Jones, late of Company I, Eighty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. COLLIER.

The bill (H. R. 9367) granting a pension to James T. Collier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Collier, late of Company H, Ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHESTER HEINER, ALIAS JUSTUS HAHNER.

The bill (H. R. 6381) granting a pension to Chester Heiner, alias Justus Hahner, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chester Heiner, alias Justus Hahner, late unassigned recruit, Eleventh Regiment United States Infantry, war with Mexico, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK S. CLAY.

The bill (H. R. 928) granting an increase of pension to Mark S. Clay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mark S. Clay, late of Company A, Twenty-second Regiment Illinois Volunteer Infantry, and Company E, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIBBA MILLER.

The bill (H. R. 6846) granting a pension to Sibba Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sibba Miller, helpless and dependent child of Brice Miller, late of Company H, Third and Seventh Regiments Missouri State Militia Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. TINKER.

The bill (H. R. 14271) granting an increase of pension to John C. Tinker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Tinker, late of Company E, First Regiment Provisional Enrolled Missouri Militia, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM BURKHOLDER.

The bill (H. R. 14958) granting an increase of pension to Hiram Burkholder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Burkholder, late of Company F, One hundredth Regi-

ment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOTWIG EVANS.

The bill (H. R. 15727) granting an increase of pension to Lotwig Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lotwig Evans, late of Company A, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED FROST.

The bill (H. R. 16853) granting an increase of pension to Alfred Frost was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Frost, late of Company A, Forty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH S. WINTERS.

The bill (H. R. 15096) granting an increase of pension to Isaiah S. Winters was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah S. Winters, late of Company I, Fortieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL V. GREEN.

The bill (H. R. 15018) granting an increase of pension to Joel V. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel V. Green, late of Company E, Sixtieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHEBE DAMOTH.

The bill (H. R. 13316) granting a pension to Phebe Damoth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Phebe Damoth, widow of Edward P. Girard, late of Company C, Eighty-eighth Regiment Illinois Volunteer Infantry; Company F, Twenty-eighth Regiment Michigan Volunteer Infantry, and Company D, Fourteenth Regiment United States Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH JACKSON.

The bill (H. R. 17163) granting an increase of pension to Elizabeth Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Jackson, dependent mother of John Thomas Jackson, late a drummer, United States Marine Corps, and to pay her a pension of \$18 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM ROBERTS.

The bill (H. R. 17329) granting an increase of pension to Abraham Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Roberts, late of Company I, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES BOTHWELL.

The bill (H. R. 18182) granting an increase of pension to James Bothwell was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of James Bothwell, late of Company H, Ninth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELILA DYER.

The bill (H. R. 17616) granting a pension to Delila Dyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delila Dyer, dependent mother of Frank Dyer, late of Company F, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY HOVEY.

The bill (H. R. 13486) granting an increase of pension to Henry Hovey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Hovey, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK A. BIRD.

The bill (H. R. 16805) granting an increase of pension to Frederick A. Bird was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick A. Bird, late second Lieutenant Company B, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. CHIPMAN.

The bill (H. R. 18745) granting a pension to William T. Chipman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Chipman, helpless and dependent son of Philip Chipman, late first Lieutenant Company A, Seventy-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. SMITH.

The bill (H. R. 15349) granting an increase of pension to George C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Smith, late of Company E, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH RUMELL.

The bill (H. R. 16660) granting an increase of pension to Joseph Rumell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Rumell, late of Company H, Eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. ALEXANDER.

The bill (H. R. 18607) granting an increase of pension to William C. Alexander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Alexander, late of Company C, Fifty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERTHA C. HOFFMEISTER.

The bill (H. R. 11903) granting a pension to Bertha C. Hoffmeister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bertha C. Hoffmeister, helpless and dependent daughter of Augustus W. Hoffmeister, late surgeon Eighth Iowa Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LEONARD.

The bill (H. R. 18145) granting an increase of pension to William H. Leonard was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of William H. Leonard, late of Company K, Thirtieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MALINDA M'BRIDE.

The bill (H. R. 6439) granting a pension to Malinda McBride was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Malinda McBride, dependent mother of William A. McBride, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. TULEY.

The bill (H. R. 16864) granting an increase of pension to George M. Tuley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Tuley, late of Company G, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. FARMER.

The bill (H. R. 18239) granting an increase of pension to George W. Farmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Farmer, late of Company K, Eleventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW F. KRANER.

The bill (H. R. 4454) granting an increase of pension to Andrew F. Kraner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew F. Kraner, late of Company K, Eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERWIN FANCHER.

The bill (H. R. 465) granting a pension to Erwin Fancher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erwin Fancher, late of Company E, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS MELCHER.

The bill (H. R. 3014) granting a pension to Louis Melcher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Melcher, late of Company A, Second Regiment Michigan Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON B. UMPHREY.

The bill (H. R. 2992) granting an increase of pension to Solomon B. Humphrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon B. Humphrey, late of Company B, Seventy-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. RUTHERFORD.

The bill (H. R. 2487) granting an increase of pension to John M. Rutherford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Rutherford, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDER ROBINSON.

The bill (H. R. 2479) granting an increase of pension to Lander Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lander Robinson, late of Company E, Sixth Regiment Kansas Volun-

teer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. CASH.

The bill (H. R. 2695) granting an increase of pension to Christopher C. Cash was announced as the next case in order on the Calendar.

Mr. McCUMBER. The beneficiary of this bill having died since it passed the House, I move that it be indefinitely postponed.

The motion was agreed to.

JAMES M. HARPER.

The bill (H. R. 5701) granting an increase of pension to James M. Harper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Harper, late of Company A, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM NEASE.

The bill (H. R. 12670) granting an increase of pension to William Nease was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Nease, late of Company A, Third Regiment Provisional Enrolled Missouri Militia, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. CLIFT.

The bill (H. R. 16131) granting an increase of pension to William W. Clift was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Clift, late second lieutenant Elgin Battery, Illinois Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD C. SANDERS.

The bill (H. R. 14034) granting an increase of pension to Edward C. Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward C. Sanders, late of Company A, Second Regiment, and captain Company C, One hundred and eighty-eighth Regiment, Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE H. HARDING.

The bill (H. R. 13444) granting an increase of pension to Eugene H. Harding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugene H. Harding, late of Company D, Thirty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM E. LAKE.

The bill (H. R. 13541) granting an increase of pension to Ephraim E. Lake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim E. Lake, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY GABRIEL.

The bill (H. R. 13881) granting an increase of pension to Nancy Gabriel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Gabriel, widow of Hiram Gabriel, late of Company A, First Regiment Iowa Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT L. DUNCAN.

The bill (H. R. 11014) granting an increase of pension to Robert L. Duncan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert L.

Duncan, late of Company F, Seventeenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH KEARNEY.

The bill (H. R. 10804) granting an increase of pension to Sarah Kearney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Kearney, widow of Lawrence Kearney, late of Company E, Eighth Regiment United States Infantry, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS HARRINGTON.

The bill (H. R. 10649) granting an increase of pension to Lucius Harrington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius Harrington, late of Company G, Seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN P. HEMPHILL.

The bill (H. R. 9478) granting an increase of pension to Austin P. Hemphill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Austin P. Hemphill, late of Company G, Eighty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE N. SMITH.

The bill (H. R. 9598) granting an increase of pension to Ambrose N. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose N. Smith, late of Fourth Battery Indiana Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN SHAFFER.

The bill (H. R. 8810) granting an increase of pension to Benjamin Shaffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Shaffer, late of Company I, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MOSS C. DAVIS.

The bill (H. R. 12705) granting an increase of pension to Moss C. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moss C. Davis, late of Company I, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$20 dollars per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES M. CHAMPE.

The bill (H. R. 15705) granting an increase of pension to James M. Champe was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Champe, late of Company K, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARY A. CRAIG.

The bill (H. R. 2465) granting an increase of pension to Mary A. Craig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Craig, widow of John Craig, late captain Company E, First Regiment West Virginia Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'ENTIRE.

The bill (H. R. 5730) granting an increase of pension to James McEntire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McEntire, late of Company B, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC B. VANDEVANTER.

The bill (H. R. 6992) granting an increase of pension to Isaac B. Vandevanter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac B. Vandevanter, late of Company I, One hundred and first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. M'GEE.

The bill (H. R. 7593) granting an increase of pension to Charles H. McGee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. McGee, late of Company A, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORMON W. WALSH.

The bill (H. R. 1865) granting an increase of pension to Ormon W. Walsh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ormon W. Walsh, late of Company I, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. BROWN.

The bill (H. R. 17413) granting an increase of pension to Mary E. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Brown, widow of Campbell M. Brown, late of the U. S. steamships *North Carolina* and *Admiral*, United States Navy, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. JUNKEN.

The bill (H. R. 17639) granting an increase of pension to Charles F. Junken was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Junken, late of Company D, Sixty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND G. ROSS.

The bill (H. R. 17079) granting an increase of pension to Edmund G. Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund

G. Ross, late major, Eleventh Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS A. HEATH.

The bill (H. R. 16527) granting an increase of pension to Francis A. Heath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Heath, late of Company A, Third Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN HANDY.

The bill (H. R. 16464) granting an increase of pension to Austin Handy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Austin Handy, late of Company K, First Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE F. ROBINSON.

The bill (H. R. 16989) granting an increase of pension to George F. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. Robinson, late captain Company D, Eighty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW T. WELMAN.

The bill (H. R. 16261) granting an increase of pension to Andrew T. Welman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew T. Welman, late of Company A, Thirty-third Regiment Indiana Volunteer Infantry, and Company D, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MOUNTZ.

The bill (H. R. 16843) granting an increase of pension to Henry Mountz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Mountz, late of Company K, Nineteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC HANKS.

The bill (H. R. 16831) granting an increase of pension to Isaac Hanks was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of Isaac Hanks, late of Company L, Tenth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES VAN WEY.

The bill (H. R. 9130) granting an increase of pension to Charles Van Wey was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of Charles Van Wey, late of Company B, One hundred and first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CARTER.

The bill (H. R. 17146) granting an increase of pension to William Carter was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of William Carter, late of Company B, Fifth Regiment Missouri State Militia Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LEVI FLEMING.

The bill (H. R. 16818) granting an increase of pension to Levi Fleming was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Fleming, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HORACE G. ROBISON, ALIAS FRANK CAMMEL.

The bill (H. R. 15715) granting a pension to Horace G. Robison, alias Frank Cammel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace G. Robison, alias Frank Cammel, late of Troop F, Fifth Regiment United States Cavalry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM BECHTEL.

The bill (H. R. 15750) granting an increase of pension to William Bechtel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Bechtel, late Company E, Tenth Regiment New Jersey Volunteer Infantry, and One hundred and Tenth Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES BRICK.

The bill (H. R. 15262) granting an increase of pension to Charles Brick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Brick, late of Company B, Fifteenth Regiment Indiana Volunteer Infantry, and Troop D, Fourth Regiment United States Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHURCH FORTNER.

The bill (H. R. 16035) granting an increase of pension to Church Fortner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Church Fortner, late of First Independent Battery Iowa Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN H. BARTON.

The bill (H. R. 16155) granting an increase of pension to John H. Barton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Barton, late first lieutenant Company I, Eighteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FRANCES F. MOWER.

The bill (H. R. 16505) granting an increase of pension to Frances F. Mower was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances F. Mower, widow of Carl K. Mower, late first lieutenant, Artillery Corps, United States Army, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH C. KINSEY.

The bill (H. R. 17976) granting an increase of pension to Joseph C. Kinsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph C. Kinsey, late of Company K, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANDREW J. WILDE.

The bill (H. R. 16959) granting an increase of pension to Andrew J. Wilde was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Wilde, late of Company F, First Regiment New York Volun-

teer Light Artillery, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GERTRUDE L. TALLMAN.

The bill (H. R. 16692) granting an increase of pension to Gertrude L. Tallman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gertrude L. Tallman, widow of Henry C. Tallman, late lieutenant-commander, United States Navy, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN K. HUGHES.

The bill (H. R. 15904) granting an increase of pension to John K. Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John K. Hughes, late of the U. S. S. *Kansas*, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM L. WATERMAN.

The bill (H. R. 15045) granting an increase of pension to William L. Waterman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William L. Waterman, late acting third assistant engineer, U. S. S. *Crusader* and *Commodore Perry*, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY DAMM.

The bill (H. R. 16304) granting a pension to Mary Damm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Damm, widow of August Damm, late of Battery M, Third Regiment United States Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE H. HITCHCOCK.

The bill (H. R. 16623) granting an increase of pension to George H. Hitchcock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Hitchcock, late lieutenant-colonel One hundred and thirty-second Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HANS ANDERSON.

The bill (H. R. 16649) granting an increase of pension to Hans Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hans Anderson, late of U. S. S. *Catskill*, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHAUNCEY B. JONES.

The bill (H. R. 17962) granting a pension to Chauncey B. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chauncey B. Jones, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHESTER S. ROCKWELL.

The bill (H. R. 10210) granting an increase of pension to Chester S. Rockwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chester S. Rockwell, late of Company G, Ninety-second Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY C. EARLE.

The bill (H. R. 14021) granting an increase of pension to Henry C. Earle was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Henry C. Earle, late of Company D, Eighty-second Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW DEMING.

The bill (H. R. 12486) granting an increase of pension to Andrew Deming was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Deming, late of Company I, Second Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. TILLINGHAST.

The bill (H. R. 13061) granting an increase of pension to Henry S. Tillinghast was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry S. Tillinghast, late of Company C, Second Regiment New York Volunteer Cavalry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE J. HILL.

The bill (H. R. 13503) granting an increase of pension to Catharine J. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine J. Hill, widow of Clement C. Hill, late captain Company B, Seventy-seventh Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving, such pension to cease upon proof that the officer, Clement C. Hill, is living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. GARDNER.

The bill (H. R. 10506) granting an increase of pension to Charles H. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Gardner, late second lieutenant Company D, Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA FLYNN.

The bill (H. R. 7518) granting an increase of pension to Eliza Flynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Flynn, widow of Charles O. Flynn, late of Company A, Thirty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PALIN H. SIMS.

The bill (H. R. 7060) granting an increase of pension to Palin H. Sims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Palin H. Sims, late first lieutenant Company G, Fifty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER HAWKINS.

The bill (H. R. 14771) granting an increase of pension to Alexander Hawkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Hawkins, late of Company B, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH C. JOHNSON.

The bill (H. R. 16394) granting an increase of pension to Sarah C. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah C. Johnson, widow of Smith Johnson, late of Captain Morgan's company, First Regiment Illinois Foot Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH WILKES.

The bill (H. R. 17559) granting an increase of pension to Joseph Wilkes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Wilkes, late of Company D, Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIUS A. MAHURIN.

The bill (H. R. 17368) granting an increase of pension to Julius A. Mahurin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julius A. Mahurin, late of Company D, Fourth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLEY FRANKLIN.

The bill (H. R. 17408) granting an increase of pension to Charley Franklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charley Franklin, late of Company C, Sixth Regiment United States Infantry, war with Spain, and to pay him a pension of \$10 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. KLOEPEL.

The bill (H. R. 17425) granting a pension to Annie M. Kloeppel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie M. Kloeppel, widow of Christian Kloeppel, alias Knuipple, late of Company C, Third Regiment Missouri Volunteers, war with Mexico, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES EASTLAND.

The bill (H. R. 18086) granting an increase of pension to James Eastland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Eastland, late of Company F, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSINA TYLER.

The bill (H. R. 17668) granting an increase of pension to Rosina Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rosina Tyler, widow of Oren W. Tyler, late of Company K, Fifty-second Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE HAYES.

The bill (H. R. 17680) granting an increase of pension to George Hayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Hayes, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOCH VOYLES.

The bill (H. R. 9244) granting a pension to Enoch Voyles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch Voyles, late captain Company G, Third Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY ANN SMITH.

The bill (H. R. 18181) granting an increase of pension to Nancy Ann Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Ann Smith, widow of Alexander H. Smith, late of Captain McClelland's company, Second Regiment Tennessee Mounted Volunteer Infantry, Cherokee Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JACOB FULMER.

The bill (H. R. 18180) granting an increase of pension to Jacob Fulmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Fulmer, late of Captain Quattleburn's company, South Carolina Volunteer Infantry, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM A. MOORE.

The bill (H. R. 18092) granting an increase of pension to William A. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Moore, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES S. ABNEY.

The bill (H. R. 13999) granting a pension to Charles S. Abney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Abney, late of Company C, Second Regiment Georgia Volunteer Infantry, and Company K, Twenty-ninth Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN MATHER.

The bill (H. R. 16773) granting an increase of pension to John Mather was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Mather, late of Company A, Sixtieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ALEXANDER LESSLEY.

The bill (H. R. 15158) granting an increase of pension to Alexander Lessley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Lessley, late of Company B, One hundred and eleventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## REBECCA C. GOODSON.

The bill (H. R. 15151) granting an increase of pension to Rebecca C. Goodson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca C. Goodson, widow of Jacob Peck Goodson, late of Company G, First Regiment Kentucky Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ELIAS W. TICKNOR.

The bill (H. R. 16222) granting an increase of pension to Elias W. Ticknor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias W. Ticknor, late of Company K, Twenty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LUCY E. RUMER.

The bill (H. R. 16943) granting an increase of pension to Lucy E. Rumer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy E. Rumer, widow of William D. Rumer, late of Company A, Fifty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EDWARD DONNELLY.

The bill (H. R. 17130) granting an increase of pension to Edward Donnelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Donnelly, late of Company F, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM A. FORBES.

The bill (H. R. 17045) granting an increase of pension to William A. Forbes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Forbes, late of Company C, Thirtieth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JESSE M. NOBLITT.

The bill (H. R. 17421) granting a pension to Jesse M. Noblitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse M. Noblitt, late of Company H, Twenty-second Regiment United States Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MICHAEL HANBERRY.

The bill (H. R. 15778) granting an increase of pension to Michael Hanberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Hanberry, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLARA G. BACON.

The bill (H. R. 15149) granting a pension to Clara G. Bacon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara G. Bacon, widow of Francis H. Bacon, late of Company A, Twenty-second Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SAMUEL BICKFORD.

The bill (H. R. 15789) granting an increase of pension to Samuel Bickford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Bickford, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LEOCARDIA F. FLOWERS.

The bill (H. R. 16137) granting a pension to Leocardia F. Flowers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leocardia F. Flowers, widow of William C. Flowers, late acting assistant surgeon, United States Army, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RICHARD DESMOND.

The bill (H. R. 17230) granting an increase of pension to Richard Desmond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Desmond, late of United States Marine Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NANCY BEDFORD.

The bill (H. R. 17362) granting a pension to Nancy Bedford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Bedford, widow of Thomas Bedford, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM DUSTIN.

The bill (H. R. 17304) granting an increase of pension to William Dustin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Dustin, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE DALLISON.

The bill (H. R. 17306) granting an increase of pension to George Dallison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Dallison, late of Company H, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK HANEY.

The bill (H. R. 17828) granting an increase of pension to Patrick Haney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Haney, late of Company D, Third Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET ENWRIGHT.

The bill (H. R. 17973) granting an increase of pension to Bridget Enwright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Enwright, widow of Patrick Enwright, late of Company B, Twenty-second Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN S. PIERCE.

The bill (H. R. 17622) granting an increase of pension to Edwin S. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin S. Pierce, late lieutenant-colonel Third Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS W. THOMPSON.

The bill (H. R. 17034) granting an increase of pension to Augustus W. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus W. Thompson, late first lieutenant and captain Company B, Seventy-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR E. STRIMPLE.

The bill (H. R. 17061) granting an increase of pension to Arthur E. Strimple was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur E. Strimple, late of Company F, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE F. GRIFFITH.

The bill (H. R. 17065) granting an increase of pension to George F. Griffith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. Griffith, alias Frank W. Morton, late of Troop D, First Regiment United States Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SOUPENE.

The bill (H. R. 16927) granting a pension to Mary Soupene was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Soupene, widow of John Soupene, late of Company G, Eleventh Regiment Kansas Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. ROBERTSON.

The bill (H. R. 16688) granting an increase of pension to William F. Robertson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Robertson, late of Company I, Twenty-second Regiment Indiana

Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSA ROSSITER.

The bill (H. R. 18026) granting an increase of pension to Rosa Rossiter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rosa Rossiter, widow of Lemuel Rossiter, late second lieutenant Company B, Fifth Regiment Wisconsin Volunteer Infantry, and captain Company C, Sixth Regiment United States Veteran Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SPRIGGS.

The bill (H. R. 16878) granting an increase of pension to William Spriggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Spriggs, late of Company I, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EVAN E. YOUNG.

The bill (H. R. 15748) granting an increase of pension to Evan E. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evan E. Young, late of Company B, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. TAYLOR.

The bill (H. R. 14935) granting an increase of pension to William G. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Taylor, late of Capt. Robert C. Parham's company, Georgia Mounted Volunteers, Creek Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY A. RICKMAN.

The bill (H. R. 13447) granting an increase of pension to Nancy A. Rickman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy A. Rickman, widow of William O. Rickman, late captain Company H, Fifth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE B. JOHNSTON, FORMERLY BLACKBURN.

The bill (H. R. 11833) granting a pension to Jennie B. Johnston, formerly Blackburn, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie B. Johnston, formerly Blackburn, late nurse, Medical Department, United States Volunteers, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GLASS.

The bill (H. R. 16743) granting an increase of pension to John Glass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Glass, late of Company F, Tenth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MALINDA PEAK.

The bill (H. R. 17832) granting an increase of pension to Malinda Peak was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Malinda Peak, widow of Luke Peak, late major Second Regiment Tennessee Volunteers, Cherokee Indian disturbances, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIS BOOKER.

The bill (H. R. 18103) granting an increase of pension to Willis Booker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willis Booker, late of Company K, Third Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## STEPHEN M. FISK.

The bill (H. R. 17544) granting an increase of pension to Stephen M. Fisk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen M. Fisk, late of Company H, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NIMROD W. WATSON.

The bill (H. R. 18824) granting a pension to Nimrod W. Watson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nimrod W. Watson, late first lieutenant Capt. John W. Dickey's independent company, Alabama Scouts and Guides, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SARAH T. MOFFETT.

The bill (H. R. 15873) granting an increase of pension to Sarah T. Moffett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah T. Moffett, widow of Henry C. Moffett, late of Robert Boyd's company, First Battalion District of Columbia Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving. In the event of the death of Ermina L. Moffett, helpless and dependent child of Henry C. Moffett, the additional pension herein granted shall cease and determine. In the event of the death of Sarah T. Moffett the name of Ermina L. Moffett shall be placed on the pension roll at \$12 per month from and after the date of death of Sarah T. Moffett.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MATTHEW M'KOWN.

The bill (H. R. 16148) granting an increase of pension to Matthew McKown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew McKown, late of Independent Battery H, Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LOIS E. BLISS, FORMERLY MOTTER.

The bill (H. R. 16328) granting an increase of pension to Lois E. Bliss, formerly Motter, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lois E. Bliss, formerly Motter, late nurse, Medical Department, United States Volunteers, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THOMAS R. BOSS.

The bill (H. R. 18004) granting an increase of pension to Thomas R. Boss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas R. Boss, late of Company A, One hundred and first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES P. McCLEERY.

The bill (H. R. 17379) granting an increase of pension to James P. McCleery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. McCleery, late surgeon Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH STEWART.

The bill (H. R. 17293) granting an increase of pension to Joseph Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Stewart, late of Company F, Tenth Regiment Pennsylvania Volunteer Reserve Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ISAAC SLOAN.

The bill (H. R. 18027) granting an increase of pension to Isaac Sloan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Sloan, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN F. BONNELL.

The bill (H. R. 17737) granting an increase of pension to John F. Bonnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Bonnell, late of Company B, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARTHA L. H. SPURGIN.

The bill (H. R. 17564) granting an increase of pension to Martha L. H. Spurgin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha L. H. Spurgin, widow of William F. Spurgin, late captain, Twenty-first Regiment United States Infantry, and brigadier-general, United States Army, retired, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM S. LYON.

The bill (H. R. 16814) granting an increase of pension to William S. Lyon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William S. Lyon, late of Company B, One hundred and forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY C. STEADMAN.

The bill (H. R. 16412) granting an increase of pension to Henry C. Steadman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Steadman, late of Company D, First Regiment United States Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ROBERT W. PATRICK.

The bill (H. R. 16514) granting an increase of pension to Robert W. Patrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert W. Patrick, late captain Company E, Eighty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY E. QUICK.

The bill (H. R. 16519) granting an increase of pension to Mary E. Quick was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of Mary E. Quick, widow of John H. Quick, late of Company B, Third Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. HEROD.

The bill (H. R. 17238) granting an increase of pension to Andrew J. Herod was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Herod, late of Company A, First Regiment Mississippi Rifles, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR GETMAN.

The bill (H. R. 17058) granting an increase of pension to Oscar Getman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar Getman, late of Company F, One hundred and fifty-third Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN A. DEMAREST.

The bill (H. R. 18101) granting an increase of pension to Susan A. Demarest was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan A. Demarest, widow of James W. Demarest, late of Company A, Second Regiment Louisiana Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. THOMAS.

The bill (H. R. 17632) granting a pension to James H. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Company," to strike out "Lesby's" and insert "Lesley's;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Thomas, late of Capt. William B. Hooker's Company, Florida Mounted Volunteers, and Captain Lesley's Company of Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCIS A. TABOR.

The bill (H. R. 18389) granting an increase of pension to Francis A. Tabor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Tabor, late of Company C, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUVENIA CLARK.

The bill (H. R. 18396) granting an increase of pension to Louvenia Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louvenia Clark, widow of Andrew H. Clark, late captain Company D, Seventh Regiment and colonel Forty-seventh Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM F. HAYS.

The bill (H. R. 18391) granting an increase of pension to Ephraim F. Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim F. Hays, late first lieutenant Company A and adjutant Twelfth Regiment Kentucky Volunteer Infantry, and to pay

him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. EDGERLY.

The bill (H. R. 17804) granting an increase of pension to Francis W. Edgerly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Edgerly, late of Company I, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DRYE.

The bill (H. R. 18394) granting an increase of pension to George W. Drye was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Drye, late captain Company B, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH E. CODINGTON.

The bill (H. R. 18019) granting an increase of pension to Hannah E. Codington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. Codington, widow of Almarion M. Codington, late first lieutenant Company A, Fifteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

Mr. McCUMBER. I ask the Senate to disagree to the amendment and to agree to the bill as it passed the House.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER ELKAN, ALIAS WALTER ECKHARDT.

The bill (H. R. 15629) granting a pension to Walter Elkan, alias Walter Eckhardt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Spain," to insert "and pay him a pension at the rate of \$6 per month;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter Elkan, alias Walter Eckhardt, late of Company I, Seventh Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$6 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

HENRY D. FULTON.

The bill (H. R. 18631) granting an increase of pension to Henry D. Fulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Fulton, late of Company E, Thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SALSBUARY.

The bill (H. R. 8352) granting an increase of pension to John Salsbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Salsbury, late of Company A, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY A. SHAW.

The bill (H. R. 13756) granting a pension to Mary A. Shaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Shaw, former widow of Daniel Hartzell, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM BOTTENBERG.

The bill (H. R. 18113) granting an increase of pension to William Bottenberg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Bottenberg, late first lieutenant Company G, Thirteenth Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHAPMAN MANN.

The bill (H. R. 18372) granting an increase of pension to Chapman Mann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chapman Mann, late of Company H, Thirty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JORDAN GARRETT.

The bill (H. R. 18697) granting an increase of pension to Jordan Garrett, now known as Jordan Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jordan Garrett, now known as Jordan Freeman, late of Company K, One hundred and eighteenth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SARAH A. ROWE.

The bill (H. R. 18629) granting an increase of pension to Sarah A. Rowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Rowe, widow of Charles Rowe, late of Company G, Eighty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George Arthur Rowe, helpless and dependent child of said Charles Rowe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah A. Rowe the name of said George Arthur Rowe shall be placed on the pension roll at \$12 per month from and after the date of death of said Sarah A. Rowe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANTHONY WEAVER.

The bill (H. R. 18628) granting an increase of pension to Anthony Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Weaver, late of Company C, Sixtieth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ABBY E. BURRITT.

The bill (H. R. 18089) granting a pension to Abby E. Burritt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abby E. Burritt, widow of Charles Burritt, late of Company I, Sixth Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PATRICK HALEY.

The bill (H. R. 17205) granting an increase of pension to Patrick Haley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Haley, late of Company C, First Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY CUSHING HALL.

The bill (H. R. 18220) granting an increase of pension to Mary Cushing Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Cushing Hall, widow of Martin Ellsworth Hall, late lieutenant, United States Navy, and to pay her a pension of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Martin Ellsworth Hall until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM H. WASHBURN.

The bill (H. R. 18309) granting an increase of pension to William H. Washburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Washburn, late of Company E, Third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DANIEL J. MEEDS.

The bill (H. R. 18132) granting an increase of pension to Daniel J. Meeds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel J. Meeds, late of Company I, First Regiment Maine Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ABRAM H. BEDELL.

The bill (H. R. 18116) granting an increase of pension to Abram H. Bedell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram H. Bedell, late of Company H, Ninth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PHILIP CHACE.

The bill (H. R. 18083) granting an increase of pension to Philip Chace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Chace, late of Company A, Seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN CLOUGHARTY.

The bill (H. R. 18090) granting an increase of pension to John Clougharty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Clougharty, late of Company A, Nineteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN BROWN.

The bill (H. R. 18082) granting an increase of pension to John Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Brown, late of Company K, Third Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## OCTAVIA J. TRULL.

The bill (H. R. 12810) granting an increase of pension to Octavia J. Trull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Octavia J. Trull, widow of George G. Trull, late first lieutenant Second Battery and captain Fourth Battery, Massachusetts Volunteer Light Artillery, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GREEN B. WALLER.

The bill (H. R. 18319) granting an increase of pension to Green B. Waller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Green B. Waller, late of Company F, Sixth Regiment Louisiana Volun-

teer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOT LEGUIN GODFREY.

The bill (H. R. 18339) granting an increase of pension to Lot Leguin Godfrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lot Leguin Godfrey, late of Captain Sutton's company, Bell's regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS GRALEN.

The bill (H. R. 18340) granting an increase of pension to Augustus Gralen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Gralen, late of Capt. Henry E. McCulloch's company, First Regiment Texas Mounted Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISRAEL N. GREEN.

The bill (H. R. 18779) granting an increase of pension to Israel N. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Israel N. Green, late of Company L, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BETHEL COOPWOOD.

The bill (H. R. 18433) granting an increase of pension to Bethel Coopwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bethel Coopwood, late of Company D, Texas Regiment Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZACHARIAH HALL.

The bill (H. R. 18386) granting an increase of pension to Zachariah Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zachariah Hall, late of Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA W. SHAUL.

The bill (H. R. 17914) granting a pension to Maria W. Shaul was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria W. Shaul, widow of Warren H. Shaul, late of Company A, First Regiment, Company A, Twenty-first Regiment, and Company A, Third Regiment, Wisconsin Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. PENROSE.

The bill (H. R. 17811) granting an increase of pension to John G. Penrose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Penrose, late of Company E, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. PHELPS.

The bill (H. R. 18383) granting an increase of pension to James H. Phelps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Phelps, late of Company I, Fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HETTIE FLETCHER.

The bill (H. R. 18479) granting a pension to Hettie Fletcher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hettie Fletcher, widow of James E. Fletcher, late of Company L, Third Regiment Wisconsin Volunteer Cavalry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEMIMA ROSENCRANS.

The bill (H. R. 18135) granting an increase of pension to Jemima Rosencrans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jemima Rosencrans, widow of George W. Rosencrans, late of Companies D and H, First Regiment Nebraska Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE M. ATKINS.

The bill (H. R. 18621) granting a pension to Louise M. Atkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise M. Atkins, widow of Tom Minor Atkins, alias Atkinson, late of the U. S. S. *Prairie*, United States Marine Corps, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CEPHAS W. PARR.

The bill (H. R. 9059) granting a pension to Cephas W. Parr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cephas W. Parr, late scout and guide, United States Army, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY CASEY.

The bill (H. R. 18370) granting an increase of pension to Mary Casey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Casey, widow of Martin Casey, late of Company K, Seventeenth Regiment New York Volunteer Infantry, and Company A, Fifteenth Regiment Veteran Reserve Corps, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET L. HANCE.

The bill (H. R. 18684) granting an increase of pension to Margaret L. Hance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret L. Hance, widow of William Hance, late of Companies D and I, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE LOXLEY.

The bill (H. R. 18438) granting an increase of pension to Catharine Loxley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Loxley, widow of Josiah Loxley, late of Company B, Thirty-seventh Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary Loxley, helpless and dependent child of said Josiah Loxley, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Loxley the name of said Mary Loxley shall be placed on the pension roll at \$12 per month, from and after the death of said Catharine Loxley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GATES D. PARISH.

The bill (H. R. 16725) granting an increase of pension to Gates D. Parish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gates D. Parish, late of Company D, One hundred and twenty-second Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPHINE DRINKWATER.

The bill (H. R. 18322) granting a pension to Josephine Drinkwater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine Drinkwater, widow of Edward Drinkwater, late pilot and acting ensign, United States Navy, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE N. WARD.

The bill (H. R. 18357) granting an increase of pension to George N. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George N. Ward, late of Company G, Second Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SOPHRONIA E. WILSHIRE.

The bill (H. R. 18364) granting a pension to Sophronia E. Wilshire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sophronia E. Wilshire, widow of Ransom S. Wilshire, late of Company H, Eleventh Regiment, and Company D, Twelfth Regiment, Kentucky Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM M. SHORT.

The bill (H. R. 18760) granting an increase of pension to William M. Short was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Short, late of Company C, First Regiment Texas Mounted Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LOVINA STOKES.

The bill (H. R. 18556) granting a pension to Lovina Stokes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lovina Stokes, dependent mother of Carter Phillips, late of Company D, Forty-fourth Regiment United States Colored Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE H. BARROWS.

The bill (H. R. 17621) granting a pension to George H. Barrows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Barrows, late of Troop D, Fourteenth Regiment United States Cavalry, war with Spain, and to pay him a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARGARET J. VALENTINE.

The bill (H. R. 17418) granting an increase of pension to Margaret J. Valentine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret J. Valentine, widow of Alfred Valentine, late hospital steward, United States Army, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM B. WHITE.

The bill (H. R. 17716) granting an increase of pension to William B. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. White, late of Company B, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANDREW J. BRANN.

The bill (H. R. 17691) granting an increase of pension to Andrew J. Brann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Brann, late of Company B, First Regiment Kentucky Mounted Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ROBERT W. CALLAHAN.

The bill (H. R. 17819) granting an increase of pension to Robert W. Callahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert W. Callahan, late captain Company A, One hundred and second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FRANK SCHUMER.

The bill (H. R. 18264) granting an increase of pension to Frank Schumer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Schumer, late of Company G, Eighth Regiment Provisional Enrolled Missouri Militia, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM H. LYBE.

The bill (H. R. 18194) granting an increase of pension to William H. Lybe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Lybe, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JACOB KOONSMAN.

The bill (H. R. 18077) granting an increase of pension to Jacob Koonsman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Koonsman, late of Company D, Ninety-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN L. CROOM.

The bill (H. R. 18033) granting a pension to John L. Croom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Croom, late of Company A, First Regiment Alabama Volunteers, war with Mexico, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN KEOUGH.

The bill (H. R. 18050) granting an increase of pension to John Keough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Keough, late of Company A, Fortieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EUSEBIA N. PERKINS.

The bill (H. R. 18777) granting an increase of pension to Eusebia N. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eusebia N. Perkins, widow of Charles A. Perkins, late of Company K, Second Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SARAH HALL JOHNSTON.

The bill (H. R. 18687) granting an increase of pension to Sarah Hall Johnston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Hall Johnston, widow of Sanders W. Johnston, late captain Company G, First Regiment Ohio Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ORSON M. MARKCUM.

The bill (H. R. 18051) granting an increase of pension to Orson M. Markcum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orson M. Markcum, late second lieutenant Company C, Eighth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. SMITH.

The bill (H. R. 18796) granting a pension to William M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Smith, late of Company I, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$8 per month and such higher rate of pension as he may hereafter show himself to be entitled to, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. MACENTEE.

The bill (H. R. 8223) granting a pension to John J. Macentee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Macentee, late of Company F, Forty-first Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOREN JULIUS THOR STRATEN.

The bill (H. R. 18273) granting an increase of pension to Soren Julius Thor Straten was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Soren Julius Thor Straten, late of Companies K and A, Forty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONARD HAMMOND.

The bill (H. R. 18030) granting an increase of pension to Leonard Hammond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard Hammond, late of Company B, Forty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK LANGDON.

The bill (H. R. 18102) granting an increase of pension to Frank Langdon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Langdon, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY FREDERICK.

The bill (H. R. 15961) granting an increase of pension to Henry Frederick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Frederick, late of Troop E, Seventh Regiment United States Cavalry, and to pay him a pension of \$28 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. HALL.

The bill (H. R. 2927) granting an increase of pension to James C. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Hall, late of Company A, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LINDA S. ANDERSON.

The bill (H. R. 18475) granting an increase of pension to Linda S. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Linda S. Anderson, widow of George T. Anderson, late second lieutenant of Captain Loyal's independent company, Georgia Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SELLERS.

The bill (H. R. 18460) granting an increase of pension to Thomas Sellers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Sellers, late of Company C, First Regiment Florida Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. TOMPKINS.

The bill (H. R. 18562) granting a pension to Martha A. Tompkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Tompkins, widow of George W. Tompkins, late of Company E, Twenty-seventh Regiment Missouri Volunteer Mounted Infantry, and to pay her a pension of \$8 per month, and \$2 per month on account of each of the two minor children of said George W. Tompkins until they shall reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES KIRTLAND.

The bill (H. R. 16056) granting a pension to Frances Kirtland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Kirtland, widow of George H. Kirtland, late of Captain Gilbreath's company, Alabama Scouts and Guides, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL DANIEL KERNAN.

A bill (H. R. 17627) granting an increase of pension to Michael Daniel Kernan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Daniel Kernan, late coal heaver, U. S. S. *Massachusetts*, United States Navy, Oregon and Washington Territory Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS VAN COTT.

The bill (H. R. 17810) granting an increase of pension to Cyrus Van Cott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus Van Cott, late of Company B, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED M. CONNOR, ALIAS ALFRED C. MORRIS.

The bill (H. R. 18730) granting an increase of pension to Alfred M. Connor, alias Alfred C. Morris, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred M. Connor, alias Alfred C. Morris, late second lieutenant Company A, Ninth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB C. RYAN.

The bill (H. R. 18453) granting an increase of pension to Jacob C. Ryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob C. Ryan, late of Company E, Third Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. SEELEY.

The bill (H. R. 4390) granting an increase of pension to Francis W. Seeley was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis W. Seeley, late first lieutenant Company K, Fourth Regiment United States Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH AUGUSTA RUSSELL.

The bill (H. R. 13888) granting a pension to Elizabeth Augusta Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Augusta Russell, late nurse, Medical Department United States Volunteers, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA E. SATTERFIELD.

The bill (H. R. 7058) granting a pension to Louisa E. Satterfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa E. Satterfield, widow of Alfred B. Satterfield, late of Company I, Sixth Regiment United States Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH CARDEN.

The PRESIDING OFFICER. There is a private pension bill which was reported to-day by the Senator from Florida [Mr. TALIAFERRO].

Mr. McCUMBER. While the agreement did not necessarily cover that bill, I think there could be no possible objection to its consideration. I hope all pension bills that were reported to-day may be considered.

The PRESIDING OFFICER. The Chair understands that this is the only one.

There being no objection, the bill (H. R. 12674) granting a pension to Sarah Carden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Carden, former widow of Jonathan Frazier, late of Company A, First Regiment Alabama Vidette Volunteer Cavalry, and to pay her a pension at the rate of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McCUMBER. I should like to inquire if there are any more private pension bills that have been reported and that for lack of time are not on the printed Calendar.

The PRESIDING OFFICER. The Chair is informed by the clerks that there are none that they know of. The bills for the correction of military records will now be considered.

GEORGE A. WINSLOW.

The bill (S. 2277) to correct the military record of George A. Winslow was considered as in Committee of the Whole. It authorizes the Secretary of War to set aside the findings of the court-martial and revoke the orders issued against George A. Winslow, late lieutenant, Company M, Third Arkansas Volunteer Cavalry, and to issue to him a certificate of honorable discharge dated from the 9th day of May, 1865; and Winslow shall hereafter be held and considered to have been honorably discharged from the military service of the United States on that date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC THOMPSON.

The bill (S. 2485) to correct the military record of Isaac Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the word "Company," to strike out the letter "E" and insert the letter "F;" and in line 6, after the word "discharge," to insert:

As of date February 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Isaac Thompson, late of Company F, First Regiment Ohio Volunteer Cavalry, and grant him an honorable discharge as of date February 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SHAMBURGER AND OTHERS.

The bill (H. R. 6821) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger was considered as in Committee of the Whole. It authorizes the Secretary of War to remove the record of dishonorable discharges now standing on the records against John Shamburger, Louis Smith, George Heppel, and Henry Metzger, late privates of Company M, Twelfth Regiment New York Volunteer Cavalry, and the other privates of that company named in Special Orders, No. 588, dated War Department, November 7, 1865, revoking their previous dishonorable discharge, and to grant each of them a certificate of honorable discharge, to date November 7, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE H. ELY.

The bill (H. R. 5052) granting an honorable discharge to Eugene H. Ely was considered as in Committee of the Whole. It authorizes the Secretary of War to correct the military record of and grant an honorable discharge to Eugene H. Ely, late first lieutenant of Company G, Third Regiment Indian Home Guards.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS SWINGLE.

The bill (H. R. 778) to remove the charge of desertion from the military record of Nicholas Swingle was considered as in Committee of the Whole. It authorizes the Secretary of War to remove the charge of desertion from the military record of Nicholas Swingle, late of Company E, Seventy-eighth Ohio Volunteer Infantry, and that an honorable discharge be issued in lieu thereof, to date September 15, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. FERDINAND HANSEN.

The bill (H. R. 2848) for the relief of Capt. Ferdinand Hansen was considered as in Committee of the Whole. It authorizes the Secretary of War to amend the military record of Ferdinand Hansen, captain of Company D, Fourth Regiment Missouri Cavalry, and issue to him an honorable discharge, to date from the 12th day of December, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. FRANK D. ELY.

The bill (H. R. 17175) for the relief of Capt. Frank D. Ely was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to relieve Frank D. Ely, captain, Twenty-ninth Infantry, United States Army, from accountability for \$526.33, pertaining to the appropriation for subsistence of the Army for the fiscal year 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. PIDGE.

The bill (H. R. 18317) correcting the military record of George H. Pidge, of North Loup, Nebr., was considered as in Committee of the Whole. It authorizes the Secretary of War to amend the records in his office so as to remove the charge of absence without leave against George H. Pidge, first lieutenant of Company H, Ninth Regiment of New York Heavy Artillery, and to grant him an honorable discharge in lieu of the dishonorable discharge heretofore granted, the discharge to date from the muster out of the United States service of the Ninth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GRETZER, JR.

The bill (H. R. 8413) for the relief of John Gretzer, jr., was considered as in Committee of the Whole. It provides that

John Gretzer, jr., shall hereafter be held and considered to have been discharged from the military service of the United States as a private of Company D, First Regiment Nebraska Volunteer Infantry, on the 23d day of August, 1899, by reason of disability resulting from a wound incurred in that service and in the line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BEEGER.

The bill (H. R. 16266) to remove the charge of desertion from the record of Henry Beeger was considered as in Committee of the Whole. It provides that Henry Beeger shall be held and considered to have been honorably discharged from the service as a sergeant of Battery D, Second Artillery, as of date of January 20, 1851, and the Secretary of War is authorized to issue an honorable discharge in accordance with this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK H. STAFFORD.

The bill (H. R. 15763) granting an honorable discharge to Frederick H. Stafford was considered as in Committee of the Whole. It provides that Frederick H. Stafford, late captain Company G, One hundred and thirty-ninth Regiment New York Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 2d day of September, 1864, and shall be entitled to all the rights and privileges and benefits that are now or may hereafter be provided by law for honorably discharged officers or soldiers of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERT E. BARNES.

The bill (S. 7254) for the relief of Bert E. Barnes was considered as in Committee of the Whole. It authorizes the Secretary of War to amend the record of Bert E. Barnes so as to show him honorably discharged from Company D, Fifty-first Iowa Infantry, for disability contracted in line of duty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH SHOSHONE INDIANS.

The PRESIDING OFFICER. This completes the list. The Senate will now take up the bill which the Senator from Wyoming [Mr. CLARK] desires to have considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect; which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in article 2, on page 11, line 7, after the words "Secretary of the Interior," to insert the following proviso:

*And provided*, That nothing herein contained shall impair the rights under the lease to Asmus Boysen, which has been approved by the Secretary of the Interior; but said lessee shall have for thirty days from the date of the approval of the surveys of said land a preferential right to locate, following the Government surveys, not to exceed 640 acres of contiguous mineral or coal lands in said reservation; that said Boysen at the time of entry of such land shall pay cash therefor at the rate of \$10 per acre and surrender said lease, and the same shall be canceled.

The amendment was agreed to.

The next amendment was, in article 3, on page 12, line 19, after the word "reserve," to strike out the following proviso:

*Provided*, That the constitution and laws of the State of Wyoming shall not operate to secure any rights having priority to those of members of the Shoshone tribe of Indians to the use of the waters within the territory hereby opened to sale and settlement, including Big Wind River and its tributaries, for purposes of irrigation of the lands comprised within such territory until such time as the United States shall have perfected allotments to the members of the Shoshone Indian tribe, either from the lands to be opened for settlement or within the diminished reservation of said Indians, and completed the necessary steps under the law to secure the desired water rights for the said allotments.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, February 27, 1905, at 9 o'clock and 50 minutes a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 25, 1905.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RESERVATION OF SOUTHEAST LADIES' GALLERY.

Mr. COOPER of Texas. Mr. Speaker, by special order of the House, 3 o'clock to-day has been set apart for appropriate exercises upon the acceptance of the statues of Sam Houston and Stephen F. Austin. I therefore ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the southeast ladies' gallery be reserved for the relatives of Sam Houston and Stephen F. Austin and for such citizens of Texas as may attend the exercises appropriate to the reception of the statues of Sam Houston and Stephen F. Austin.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

PUBLIC CONVENIENCE STATIONS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up a conference report on the bill (S. 4156) for the establishment of public convenience stations in the District of Columbia.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4156) an act for the establishment of public-convenience stations in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered one, and agree to the same, with an amendment as follows: In line 13, of section 2, strike out the word "purchase" and insert in lieu thereof the word "approaches;" and the House agree to the same.

That the House recede from its amendment numbered two.

J. W. BABCOCK,  
AMOS L. ALLEN,  
W. S. COWHERD.

*Managers on the part of the House.*

J. H. GALLINGER,  
H. C. HANSBROUGH,  
THOMAS S. MARTIN.

*Managers on the part of the Senate.*

*Statement of managers on the part of the House.*

The Senate recedes from its disagreement to the amendment of the House, making the appropriation for maintenance available for the fiscal year 1906, and agrees to the same with an amendment, striking out the word "purchase" and inserting therefor the word "approaches," to correct an error in the language of the measure.

The House recedes from its amendment reducing the amount appropriated for maintenance, leaving the sum for this purpose as carried in the original Senate act.

The question was taken, and the conference report was agreed to.

GEORGE H. BRUSSTAR.

Mr. MIERS of Indiana. Mr. Speaker, I call up the conference report on the bill (H. R. 17117) granting an increase of pension to George H. Brusstar.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 17117, an act granting an increase of pension to George H. Brusstar, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment, inserting in lieu thereof, the word "thirty," and that the House agree to the same.

THOS. W. BRADLEY,  
CHARLES E. FULLER,  
ROBERT W. MIERS.

*Managers on the part of the House.*

P. J. McCUMBER,  
N. B. SCOTT,  
JAS. P. TALIAFERRO.

*Managers on the part of the Senate.*